Initial Study

PIERCY ROAD

General Plan Amendment, Expansion of the Urban Service Area, and Minor Modification to the Urban Growth Boundary

File No. GP06-02-02 and UGB06-001

Prepared by the

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

April 2008

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SECTION 1.0 OVERVIEW

1.1 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts is being prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations 15000 et. seq.), and the regulations and policies of the City of San José. This Initial Study evaluates the environmental impacts which might reasonably be anticipated to result from the Piercy Road project, which includes the following: 1) modification of the City's Greenline/Urban Growth Boundary to include the approximately 3.24-acre project site, 2) expansion of the Urban Service Area (USA) to include the project site, and 3) amendment to the City's General Plan Land Use/Transportation Diagram to change the land use designation on the project site from *Rural Residential* [0.2 dwelling units per acres (du/ac)] to *High Density Residential* (25 to 50 du/ac). The project also proposes annexation into the City of San José, which would be done at the pre-zoning stage.

The City of San José is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

1.2 TIERING OF THE ENVIRONMENTAL REVIEW

CEQA Section 21093 (b) states that environmental impact reports shall be tiered whenever feasible, as determined by the lead agency. "Tiering" refers to using the analysis of general matters contained in a broader Environmental Impact Report (EIR) (such as one prepared for a general plan or policy statement) in subsequent EIRs or Initial Studies/Negative Declarations on narrower projects; and concentrating the later environmental review on the issues specific to the later project [CEQA Guidelines 15152 (a)].

Tiering is appropriate when it helps a public agency to focus on issues at each level of environmental review and to avoid or eliminate duplicative analysis of environmental effects examined in previous environmental impact reports [CEQA Section 21093 (a)].

In accordance with CEQA Sections 21093(a) and 21093(b) and CEQA Guidelines Section 15152(a), this Initial Study tiers off the City of San José Edenvale Redevelopment Project Final EIR (State Clearinghouse #96052098, File No. PP99-10-198) certified by the City Council on March 2000. The Edenvale Redevelopment Project proposed the development of approximately 7.9 additional million square feet of industrial uses in the Edenvale Redevelopment Area. This Initial Study builds on and incorporates by reference the biological resources analysis of planned growth and development in the 2000 City of San Jose Edenvale Redevelopment Final EIR. This Initial Study evaluates the project specific environmental impacts that were not addressed in the Edenvale Redevelopment Area Final EIR and those that might reasonably be anticipated to result from the proposed project.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Piercy Road General Plan Amendment, expansion of the Urban Service Area, and minor modification to the Urban Growth Boundary.

2.2 PROJECT LOCATION

The project site is approximately 3.24-acres in size and located at the northeastern quadrant of Piercy Road and Tennant Avenue in an unincorporated area of San José. The project site is bounded by the Evergreen Canal (a non-functional, abandoned canal) to the northeast, Tennant Avenue to the southeast, and Piercy Road to the southwest. Regional and vicinity maps are provided as Figures 2.0-1 and 2.0-2, respectively.

The project site is currently undeveloped. The surrounding land uses include undeveloped hillside north of the project site, residential uses southeast of the project site, undeveloped land currently occupied by construction trailers southwest of the project site, and a horse stable northwest of the project site. An aerial photograph showing the surrounding land uses is provided as Figure 2.0-3.

2.3 LEAD AGENCY CONTACT

City of San José
Allen Tai, Project Manager
200 East Santa Clara Street, 3rd Floor
San José, California 95113-1905
(408) 535-7866

2.4 PROPERTY OWNER/PROPONENT

CGB Investments
Bryan Kientz, Project Manager
950 South Bascom Avenue, Suite 1113
San José, California 95128
(408) 283-0628

2.5 ASSESSOR'S PARCEL NUMBERS

678-13-012 (the southern 3.24 acres only)

2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

Zoning District: *Hillside* (County of Santa Clara)
General Plan Designation: *Rural Residential* (0.2 dwelling units per acre) (City of San José)

Figure 2.0-1 Regional Map

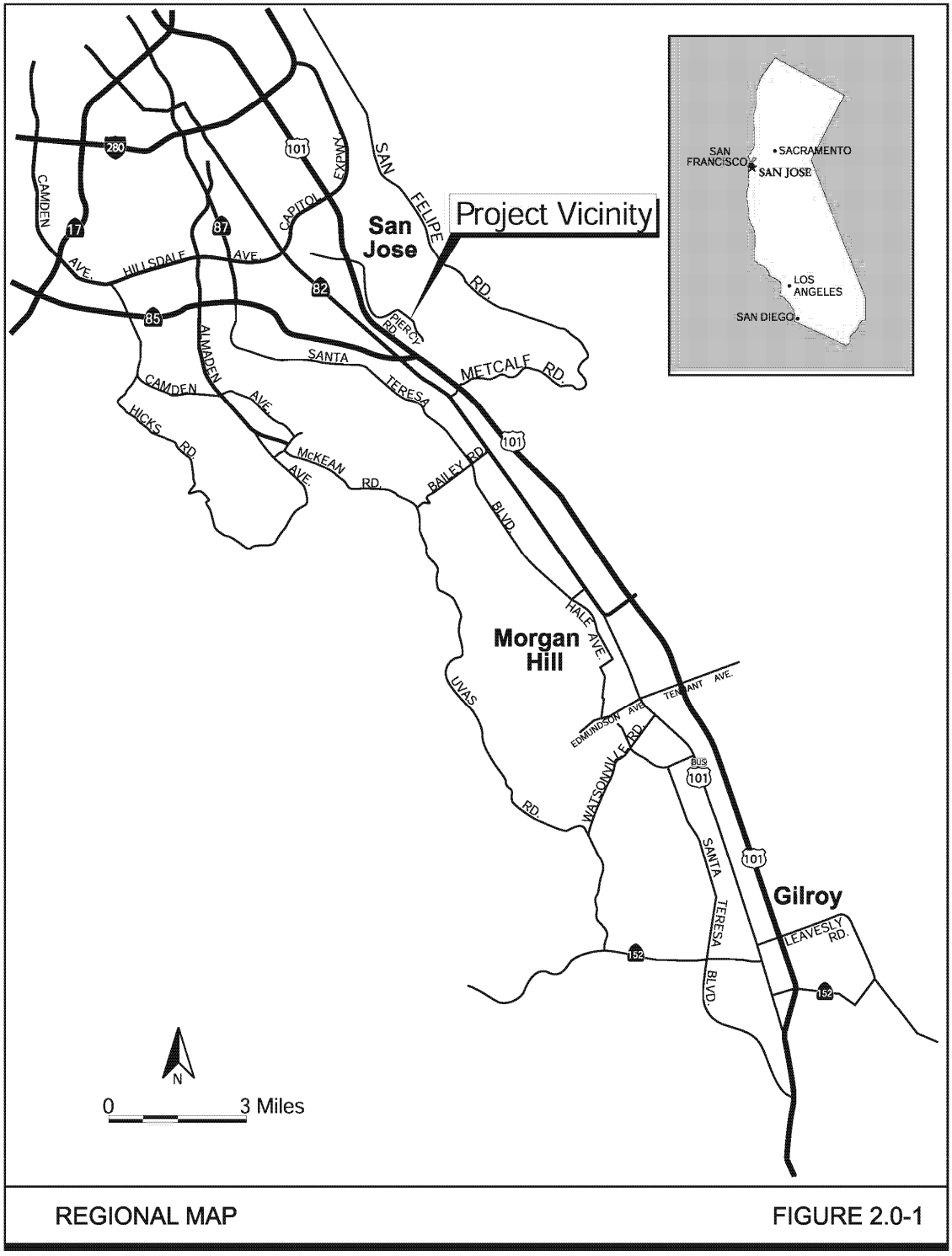


Figure 2.0-2 Vicinity Map

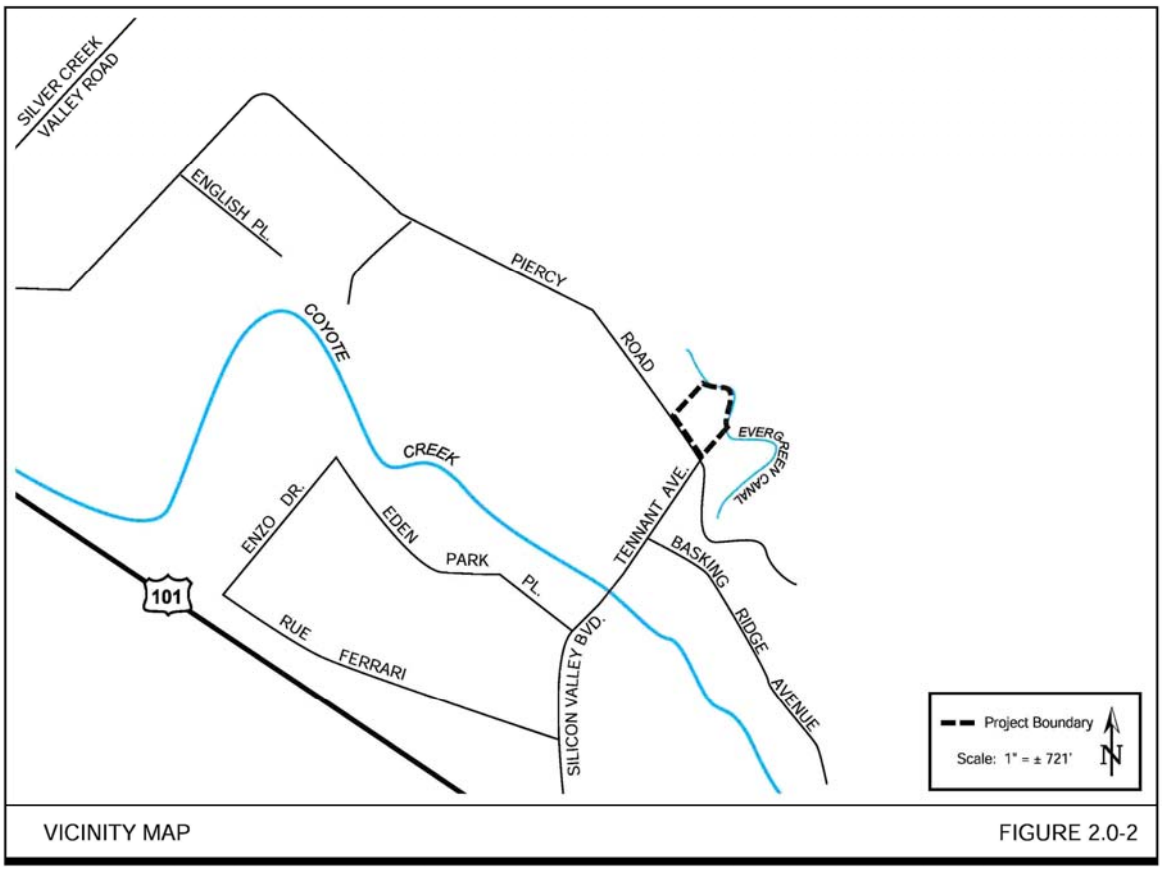
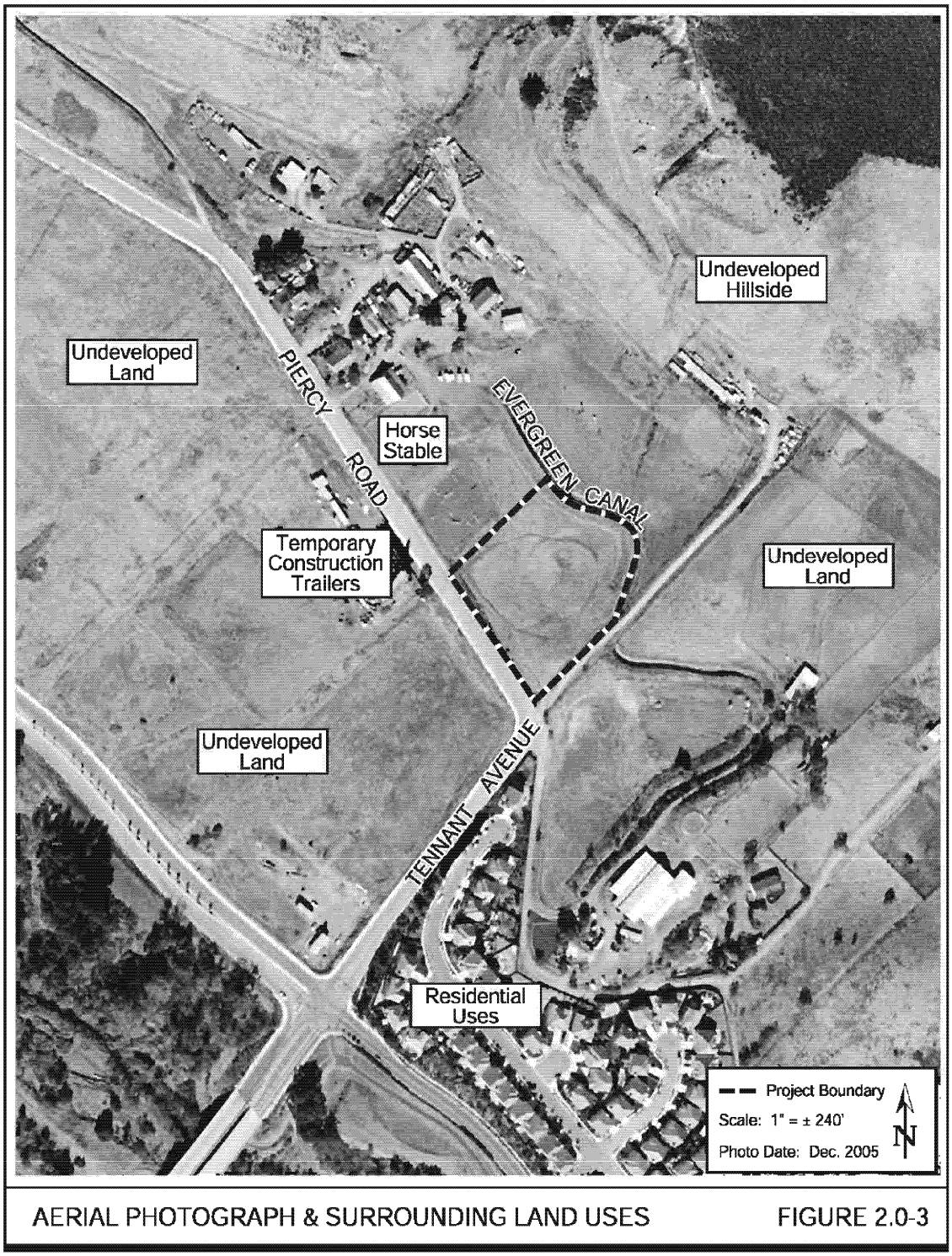


Figure 2.0-3 Aerial Photograph and Surrounding Land Uses



SECTION 3.0 PROJECT DESCRIPTION

The project site is approximately 3.24-acres in size and located on Piercy Road in an unincorporated area of San José. The project proposes to:

a. Modify the City's Greenline/Urban Growth Boundary to include the project site;
b. Expand the Urban Service Area (USA) to include the project site; and
c. Amend the City's 2020 General Plan Land Use/Transportation Diagram to change the land use designation on the site from *Rural Residential* [0.2 dwelling units per acre (du/ac)] to *High Density Residential* (25 to 50 du/ac).

As described in **Section 4.6 Geology and Soils**, based on geotechnical investigations completed to date, the project site consists of three different land use categories. Areas of the project site corresponding to the land use categories are shown on Figure 3.0-1 and summarized in Table 3.0-1.

Table 3.0-1
Summary of Site Land Use Categories

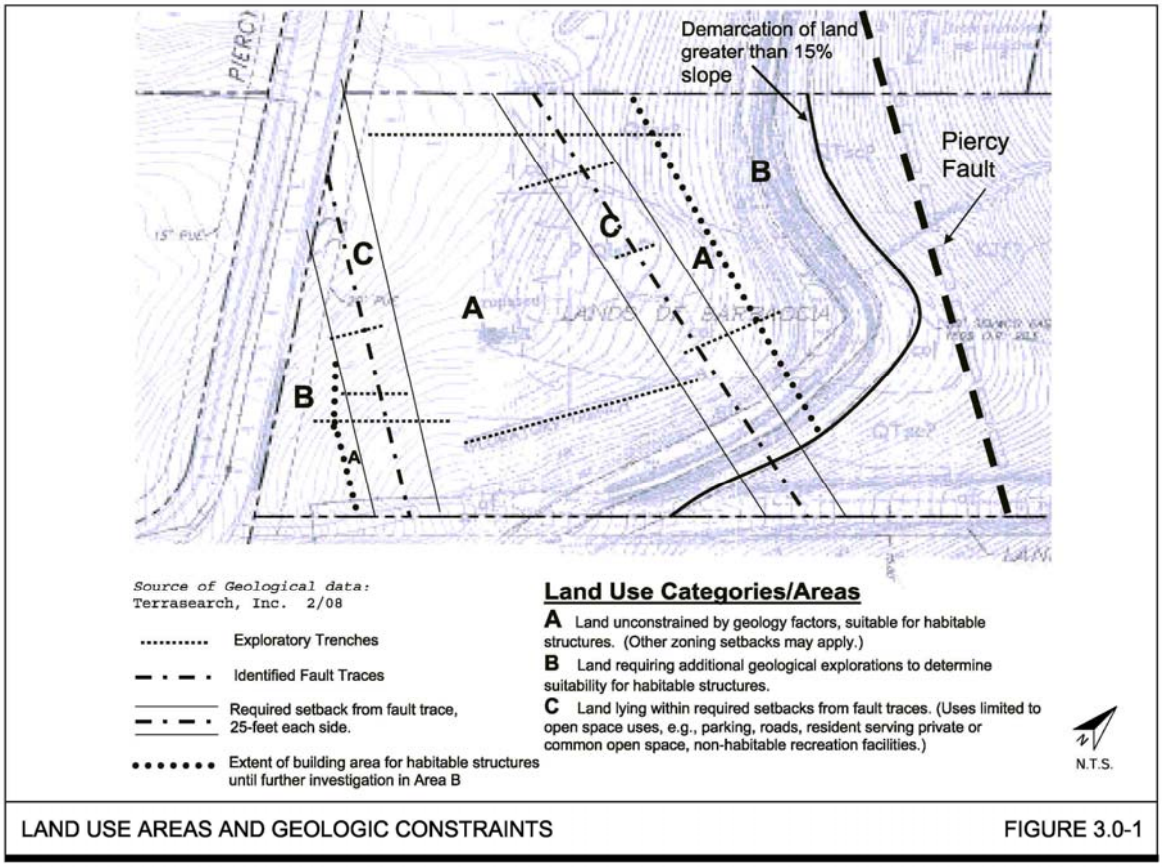
Land Use Category/Area	Description	Approximate Acres
A	Lands suitable for development with habitable structures. Other zoning setbacks may apply.	See note 1 below
B	Land requiring additional geological explorations to determine suitability for habitable structures.	
C	Land lying within required setbacks of fault traces where uses are limited to open space uses, such as parking, roads, resident serving private or common open space, and non-habitable recreation facilities.	0.68
	TOTAL SITE AREA (Areas A+B+C)	**3.24**

1 The total acreage of Area A suitable for habitable structures could increase to include land in Area B if subsequent geological investigations of Area B do not locate a fault trace or other geologic hazard that renders Area B unsuitable for habitable structures.

Up to 2.56 acres of the project site (Areas A and B) could be suitable for habitable structures. If, at a future date, subsequent geological investigations of Area B locate a fault trace or other geologic hazard that renders Area B unsuitable for habitable structures, the maximum amount of land suitable for habitable structures would decrease and the amount of development allowed by the proposed General Plan Amendment (GPA) would also decrease. To be conservative, this Initial Study assumes up to 2.56 acres of the project site is developable with habitable structures and therefore, the proposed GPA would allow for the maximum development of between 64 and 128 residential units on-site. Residential development is not allowed on Area C of the project site (a total of approximately 0.68 acres).

Development under this General Plan land use designation is typified by three- to four-story apartments or condominiums over parking. The General Plan currently allows development of up to 50 feet in height on the site. The project does not propose any specific development at this time.

Figure 3.0-1 Land Use Areas and Geologic Constraints



SECTION 4.0 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The new General Plan designation that is proposed for this project may be implemented over several years. The San José 2020 General Plan is the document that contains the City's official goals and policies regarding the future character and quality of development in San José. The General Plan includes major strategies, along with numerous goals and policies that are designed to achieve the goals that are embodied in the major strategies. General Plan goals and policies represent the City's standards. General Plan goals and policies are therefore the most relevant statement of how and to what degree impacts can be avoided or reduced, even though they are not project specific.

General Plan goals and policies have been adopted for the purpose of avoiding or mitigating impacts resulting from planned development within the City. All future development on the project site is subject to consistency applicable policies listed in Chapter 4, Goals and Policies, of the City's General Plan. Where it is possible, or appropriate, some mitigation can be accomplished by other adopted implementation policies, ordinances, or laws that are already in place. Mitigation measures minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Like General Plan policies, this "program-level" mitigation is identified where it exists.

The right-hand column in the checklist lists the source(s) for the answer to each question. General Plan goals and policies, and program-level mitigation measures are identified for all significant project impacts.

4.1 AESTHETICS

4.1.1 Introduction

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating aesthetic impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the aesthetic policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Urban Design Policy 2: Private development should include adequate landscaped areas. Landscaped areas should utilize water efficient plant materials and irrigation systems, and incorporate energy conservation techniques such as vegetative cooling and wind shielding.

- Urban Design Policy 8: Design solutions should be considered in the development review process which address security, aesthetics, and public safety.

- Urban Design Policy 10: The maximum building heights and forms are intended to address urban design considerations only. Other factors, such as compatibility with nearby land uses, may result in more restrictive height limitations. Building height, including all elements of a building whether occupied space or building features, would not exceed 50 feet, with exceptions.

- Urban Design Policy 22: Design guidelines adopted by the City Council should be followed in the design of development projects.

- Hillside Development Policy 4: The City should continue to apply strong architectural and site design controls on all types of hillside development for the protection of the hillsides and to minimize potential adverse visual and environmental impacts.

- Hillside Development Policy 6: In general, grading on hillsides should be minimized. When grading or recontouring of the terrain is necessary, it should be designed to preserve the natural character of the hills and to minimize the removal of significant vegetation.

- Hillside Development Policy 9: Consideration should be given to the siting of homes for privacy, livability, adequate solar access and wind conditions. Siting should take advantage of scenic views but should not create significant visual impacts affecting public places and other properties.

In addition to the City's General Plan policies, future development resulting from the proposed land use designation shall be required to comply with the following City guidelines and policy:

- Conform to the City of San José *Residential Design Guidelines*.

- Conform to the City of San José *Outdoor Lighting Policy* (Policy 4-3).

4.1.2 Existing Setting

The approximately 3.24-acre project site is located at the northeast quadrant of the Piercy Road and Tennant Avenue intersection in an unincorporated area of San José. The project site is bounded by the Evergreen Canal (a non-functional canal) to the northeast, an unpaved access roadway to the east/southeast, Piercy Road to the southwest, and a wooden fence to the northwest (refer to Figure 2.0-3). The project site slopes upward to the northeast and consists of dry grass and shrubs. No trees are on-site. Views of the project site are shown in Photos 1, 2, and 5. The surrounding land uses include the Evergreen Canal and undeveloped land to the northeast, residences to the southeast, Piercy Road and construction trailers to the southwest, and a horse stable to the northwest (refer to Figure 2.0-3). Views of the surrounding land uses are shown in Photos 3, 4, and 6. Views of the hillsides are available from the project site looking north/northeast.

4.1.2 Environmental Checklist and Discussion of Impacts

AESTHETICS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	☐	1
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	☐	1,2
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	☐	1
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	☐	1
5) Increase the amount of shading on public open space (e.g., parks, plazas, and/or school yards)?	☐	☐	☒	☐	☐	1

Photos 1 and 2

Photo 1 - View of project site from Piercy Road looking northeast.

Photo 2 - View of project site from Piercy Road looking northeast.

PHOTOS 1 AND 2

Photos 3 and 4

Photo 3 - View of adjacent horse stable located to the northwest of the project site, looking northeast from Piercy Road.

Photo 4 - View of adjacent horse stable located to the northwest of the project site, looking northeast from Piercy Road.

PHOTOS 3 AND 4

Photos 5 and 6

Photo 5 - View of Piercy Road looking southeast. The project site is shown on the left hand side.

Photo 6 - View of land across from the project site, on the south side of Piercy Road.

PHOTOS 5 AND 6

4.1.2.1 *Changes In Visual Character*

The proposed GPA would change the existing land use designation on-site from *Rural Residential* (0.2 du/ac) to *High Density Residential* (25 to 50 du/ac). As discussed in **Section 3.0 Project Description**, based on the existing geotechnical investigations completed, a maximum of approximately 2.56 acres of the project site could be suitable for development of habitable structures pending additional geological investigations of Area B (see Figure 3.0-1).[1] Therefore, the proposed GPA would allow for the development of between 64 and 128 dwelling units on-site.

Development under the proposed land use designation is generally typified by three- to four-story buildings over parking. The General Plan allows development of up to 50 feet on the site.

Based on the current geologic constraints (see Figure 3.0-1), residential units could be developed in three- to four-story buildings over parking in Area A of the project site. If additional geological explorations determine that Area B is also suitable for habitable structures, residential units could also be developed in Area B of the project site. If additional geological explorations determine that Area B is not suitable for habitable structures, Area B could be developed with parking, roads, residential serving private or common open space, and non-habitable recreation facilities. No habitable structures would be allowed in Area C. Area C could be developed with parking, roads, residential serving private or common open space, and non-habitable recreation facilities.

Since the project site is currently undeveloped, the future development of high density residential uses on-site would change the visual character of the site and affect views of the hillsides located to the north/northeast of the project site. Future development resulting from the proposed GPA would be greater in density, mass, and scale than the adjacent residences located to the southeast of the project site, which are two-story, single-family detached residences developed at a density of eight dwelling units per acre. Future development would also increase the lighting in the project area.

Future development resulting from the proposed GPA shall comply with adopted City policies and guidelines, including those listed previously, and therefore, result in less than significant impacts on the visual character of the project site.

4.1.2.2 *Shade and Shadow Impacts*

The City of San José typically identifies significant shade and shadow impacts as occurring when a building or other structure substantially reduces natural sunlight on public open spaces, measured midday on the first day of winter (December 21) and on the vernal and autumnal equinoxes (March/September 21). There are no public open spaces adjacent to the project site or that would be shaded by the proposed development project. For this reason, the proposed project would not result in a significant shade or shadow impacts.

Generally, in the winter, when shadows are the longest, future development of up to 50 feet tall would result in shading of the hillside located to the north, open grass area to the northwest, and Piercy Road to the southwest in the morning hours and shading of the open grass area to the northwest and hillside to the north in the afternoon. During the vernal and autumnal equinoxes,

[1] If subsequent geological investigations of Area B locate a fault trace or other geologic hazard that renders Area B unsuitable for habitable structures, the maximum amount of land suitable for habitable structures (2.56 acres) would decrease. However, to be conservative, this Initial Study evaluates the maximum allowable development of between 64 and 128 residential units on-site.

future development of up to 50 feet would result in minimal shading of the hillside to the north and dirt access road to the west/southwest of the site in the morning and afternoon. Since the shading of private open space is not considered a significant impact by the City, the shade and shadow impacts resulting from future development on adjacent private property and Piercy Road would not constitute a significant impact.

4.1.3 Conclusion

Future development resulting from the proposed GPA, in conformance with applicable General Plan policies, the *Residential Design Guidelines,* and the *Outdoor Lighting Policy,* would not result in significant, adverse aesthetic impacts. **(Less Than Significant Impact)**

4.2 AGRICULTURAL RESOURCES

4.2.1 Setting

The site is not designated as any type of farmland on the California Department of Conservation *Important Farmlands Map 2006*. The site is designated as *Grazing Land*, which is land that has existing vegetation that is suited to grazing livestock. The project site is currently undeveloped and not used for agricultural purposes. The project site is sometimes used for occasional horse grazing. No land near the project site is under cultivation.

4.2.2 Environmental Checklist and Discussion of Impacts

AGRICULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	3
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	☐	4
3) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	☐	1

As described above, the project site is not designated as farmland or used for agricultural purposes. For these reasons, the proposed project would not result in any impacts to farmland.

4.2.3 Conclusion

The proposed project would not result in any impacts to farmland. **(No Impact)**

4.3 AIR QUALITY

4.3.1 Introduction and Regulatory Framework

4.3.1.1 *Ozone Strategy*

Air quality plans addressing the California Clean Air Act are developed about every three years. The plans are meant to demonstrate progress toward meeting the more stringent 1-hour ozone California Ambient Air Quality Standard. The latest plan, which was adopted in January 2006, is called the Bay Area 2005 *Ozone Strategy*. The plan includes a comprehensive strategy to reduce emissions from stationary, area, and mobile sources. The Bay Area 2005 *Ozone Strategy* serves as a roadmap showing how the San Francisco Bay Area will achieve compliance with the state one-hour air quality standard for ozone as expeditiously as practicable and how the region will reduce transport of ozone and ozone precursors to neighboring air basins.

The Bay Area 2005 *Ozone Strategy* updates Vehicle Miles Traveled (VMT) and other assumptions in the 2000 Clean Air Plan (CAP) related to the reduction of ozone in the atmosphere and serves as the current CAP for the Bay Area. The consistency of the proposed project with this regional plan is primarily a question of the consistency with the population/employment assumptions utilized in developing the *Ozone Strategy*, which were based on ABAG Projections 2002.

4.3.1.2 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Projection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms.

Under the federal Clean Air Act, the USEPA has classified the region as marginally "nonattainment" for the 8-hour ozone standard. The EPA requires the region to attain the standard by 2007. The Bay Area has met the carbon monoxide standards for over a decade and is classified as "attainment maintenance" by the USEPA. The USEPA grades the region unclassified for all other air pollutants, which include PM_{10} and $PM_{2.5}$. Historical data indicates that the South Bay Area does not meet the current national $PM_{2.5}$ standards; however, EPA will not make attainment rulings until review of a three-year data set collected after the standards went into place in 2006. Attainment designations are anticipated around 2009 or 2010.

4.3.1.3 *City of San José General Plan and Grading Ordinance*

In connection with the implementation of the *Ozone Strategy*, the City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating air quality impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the air quality policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Air Quality Policy 1: The City should take into consideration the cumulative air quality impacts from proposed developments and should establish and enforce appropriate land uses and regulations to reduce air pollution consistent with the region's Clean Air Plan and state law.

- Air Quality Policy 2: Expansion and improvement of public transportation services and facilities should be promoted, where appropriate, to both encourage energy conservation and reduce air pollution.

- Air Quality Policy 6: The City should continue to actively enforce its ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorcarbon compounds (CFCs) in packaging and in building construction and remodeling to help reduce damage to the global atmospheric ozone layer.

- Transportation Policy 17: Pedestrian travel should be encouraged as a mode of movement between residential and non-residential areas throughout the City and in activity areas such as schools, parks, transit stations, and in urban areas.

- Transportation Policy 19: The City should encourage walking, bicycling, and public transportation as preferred modes of transportation.

- Transportation Policy 23: Each land use has different pedestrian needs. Streets and sidewalk designs should relate to the function of the adjoining land use(s) and transit access points.

- Transportation Policy 28: The City should promote participation and implementation of appropriate Transportation Demand Management measure such as carpooling and vanpooling.

- Transportation Policy 51: Bike lanes are considered generally appropriate on arterial and major collector streets. Right-of-way requirements for bike lanes should be considered in conjunction with planning the major thoroughfares network and in implementing street improvement projects.

In addition to the City's General Plan policies, the City has approved a grading ordinance, which mandates that all earth moving activities shall include requirements to control fugitive dust, including regular watering of the ground surface, cleaning nearby streets, damp sweeping, and planting any areas left vacant for extensive periods of time. All future development resulting from the proposed land use designation shall conform with the City's grading ordinance to reduce construction-related air quality impacts.

4.3.2 Setting

Clean air is a natural resource of vital importance. Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, and the acutely and chronically ill) are likely to be located. These land uses included residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals and medical clinics. Sensitive receptors near the project site include the residential uses to the southeast of the project site (refer to Figure 2.0-3).

4.3.3 Environmental Checklist and Discussion of Impacts

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐	1,5
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐	1,5
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	☐	1,5
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	☐	1
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒	☐	1

4.3.3.1 *Regional and Local Impacts*

BAAQMD has established thresholds for what would be considered a significant addition to existing air pollution. A project that generates more than 80 pounds per day of reactive organic gases (ROG) is considered to have a potentially significant impact on regional air quality, according to the BAAQMD CEQA Guidelines. In order to exceed the 80 pounds per day threshold, a typical project must generate at least 2,000 additional vehicle trips per day. BAAQMD generally does not recommend a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day, unless warranted by the specific nature of the project setting.

The project proposes to change the land use designation on the site from *Rural Residential (0.2 du/ac)* to *High Density Residential* (25 to 50 du/ac). Based on existing geologic constraints on the site, up to approximately 2.56 acres of the project site is suitable for habitable structures. Therefore, implementation of the proposed GPA would allow for the maximum development of between 64 and 128 dwelling units on the site.[2]

[2] If subsequent geological investigations of Area B locate a fault trace or other geologic hazard that renders Area B unsuitable for habitable structures, the maximum amount of land suitable for habitable structures (2.56 acres) would decrease. However, to be conservative, this Initial Study evaluates the maximum allowable development of between 64 and 128 residential units on-site.

Future development of between 64 and 128 residential units would generate between 480 and 960 average daily trips.[3] Because the maximum number of project generated traffic trips (up to 960 trips) falls below BAAQMD's potential impact threshold, an air quality analysis is not required, and the project is considered to result in less than significant long-term air quality impacts.

4.3.3.2 *Future Construction-Related Impacts*

Future construction activities on the project site such as excavation, construction vehicle traffic, and wind blowing over exposed earth would generate exhaust emissions and fugitive particulate matter emissions that would affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials and chaulking materials would evaporate into the atmosphere and would participate in the photochemical reaction that creates urban ozone.

Construction dust from future site development under the proposed GPA would affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere. The effects of future construction activities would be increase dustfall and locally elevated levels of PM_{10} downwind of construction activity.

Future development resulting from the proposed GPA shall comply with applicable City General Plan policies and the City's grading ordinance and therefore, result in less than significant construction-related air quality impacts on the visual character of the project site.

4.3.3.3 *Cumulative Impacts*

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, are considered to increase environmental impacts. Cumulative impacts may result from individually minor, but collectively significant projects taking place over a period of time. The purpose of the cumulative analysis is to allow decision makers to better understand the potential impacts which might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project.

Cumulative General Plan Amendment projects in the City include the proposed project, as well as the Evergreen East Hills Vision Strategy Project (proposes 4,933 new dwelling units and a decrease of 9,686 jobs), the Coyote Valley Specific Plan Project (proposes 25,722+ new dwelling units and 24,299+ new jobs), and the Berryessa Road General Plan Amendment Project (proposes 750+ new dwelling units and a decrease of 22 jobs).[4] Future development resulting from the proposed project would contribute to the significant cumulative air quality impact identified from construction and operation (including vehicle miles traveled from future residents). However, given the size of the proposed project (and the number of units that could be built on the site), emissions resulting from the proposed project would not exceed the BAAQMD's thresholds and would not result in a cumulatively considerable contribution to the cumulative air quality impacts.

[3] The average daily trip generation was based on the City's *Interim Guidelines for Traffic Impact Analysis of Land Developments* single-family attached weekday trip generation rate of 7.5 trips per unit.
[4] City of San José. Draft Environmental Impact Report for Berryessa Road General Plan Amendment. January 2008.

4.3.4 Conclusion

Future development resulting from the GPA, in conformance with applicable General Plan policies and the City's grading ordinance, would not result in significant air quality impacts. **(Less Than Significant Impact)**

Project-Level Mitigation Measure to be Considered at the Time of Future Development

- Water all active construction areas at least twice daily and more often during windy periods to prevent visible dust from leaving the site; active areas adjacent to windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two (2) feet of freeboard.

- Pave, apply water at least three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.

- Sweep daily (or more often if necessary) to prevent visible dust from leaving the site (preferably with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.

- Sweep streets daily, or more often if necessary (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.

4.4 BIOLOGICAL RESOURCES

The following discussion is based upon a biotic evaluation and constraints analysis completed for the project site by *Live Oak Associates, Inc.* in November and December 2006. The purpose of these reports was to evaluate impacts to biological resources on site and identify constraints to future development on-site. Copies of the biotic evaluation and constraints analysis are included in Appendix A and B, respectively, of this Initial Study.

4.4.1 Introduction and Regulatory Framework

4.4.1.1 *Special-Status Species*

Threatened and Endangered Species

State and federal "endangered species" legislation has provided the California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal Endangered Species Acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society (CNPS) are collectively referred to as "species of special status."

Permits may be required from both the CDFG and USFWS if activities associated with a proposed project will result in the take of a listed species. To "take" a listed species, as defined by the state of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species (16 USC, Section 1532(19), 50 CFR, Section 17.3).

Migratory Birds

State and federal laws also protect most bird species. The Federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., scc. 703, Supp. I, 1989) prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

Birds of Prey

Birds of prey, such as owls and hawks, are protected in California under provisions of the State Fish and Game Code, Section 3503.5, (1992), which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFG.

4.4.1.2 *Jurisdictional Waters*

Jurisdictional waters include rivers, creeks, and drainages that have a defined bed and bank that, at the very least, carry ephemeral flows. Jurisdictional waters also include lakes, ponds, reservoirs, and wetlands. Such waters may be subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE), CDFG, and the California Regional Water Quality Control Board (RWQCB).

Activities that would disturb the bed and bank of natural drainages are regulated by the CDFG via a Streambed Alternation Agreement. Such an agreement typically stipulates the certain measures be implemented to protect the habitat values of the drainage in question.

4.4.1.3 *City of San José General Plan*

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating biological resources impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the biological resources policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Woodlands, Grasslands, Chaparral and Scrub Policy 1: The nature and amount of public access to wooded areas and grasslands, when allowed, should be consistent with the environmental characteristics of these areas.

- Woodlands, Grasslands, Chaparral and Scrub Policy 6: The City should encourage appropriate reforestation and planting projects in hillside areas.

- Woodlands, Grasslands, Chaparral and Scrub Policy 8: Serpentine grasslands, particularly those supporting sensitive serpentine bunchgrass communities of plant and animal species of concern, should be preserved and protected to the greatest extent feasible.

- Urban Forest Policy 8: Where urban development occurs adjacent to natural plant communities, landscape plantings should incorporate tree species native to the area to the greatest extent feasible.

- Species of Concern Policy 1: Consideration should be given to setting aside conservation areas in the Bay and baylands, along riparian corridors, upland wetlands, and hillside areas to protect habitats of unique, threatened and endangered species of plants and animals, and to provide areas for education and research purposes.

- Species of Concern Policy 2: Habitat areas that support Species of Concern should be retained to the greatest extent feasible.

- Species of Concern Policy 4: New development on undeveloped properties throughout the City contributes to the regional loss of burrowing owl habitat. To offset this loss of habitat, the City should require either habitat preservation on or off site or other appropriate measures for habitat acquisition, habitat enhancement and maintenance of local habitat bank.

4.4.2 Setting

The project site mainly consists of ruderal grassland habitat. The Evergreen Canal, an abandoned Santa Clara Valley Water District (SCVWD) canal, is located along the northeastern boundary of the project site. Several natural swales are located south of the canal. There are no trees on-site. No Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state HCP includes the project area.

Although the project site is currently not included in a HCP, there is a multi-species HCP under development for the County of Santa Clara that would include the project site.

4.4.2.1 *Biotic Habitats*

Ruderal Habitat

The project site is comprised of approximately 91 percent, or 2.9 acres, of ruderal habitat. The term "ruderal" refers to habitats that have been heavily disturbed by human factors and that support vegetation that is adapted to such disturbed conditions. Ruderal habitat on the site is made up of heavily grazed horse pastures and dirt access roads. Ruderal vegetation on the site consists primarily of weedy non-native forbs and grasses of European descent such as tumbling oracle, black mustard, foxtail chess, Italian thistle, and yellow star thistle. Native vegetation is limited on this ruderal habitat, and includes scatter coyote brush and a single elderberry shrub. A complete list of plant species observed on-site is included in Appendix A of this Initial Study.

Soils from serpentine parent material occur on the project site. Because of the unique characteristics of serpentine soils (i.e., low magnesium to calcium ratios, high levels of heavy metals, and low nutrient concentrations), vegetation communities occurring on these soils often contain rare endemic species, and have typically been more resistant to invasion by non-native plant species that occur on neighboring habitats. The serpentine soils on-site, however, are heavily degraded by livestock use and characterized by ruderal vegetation and compacted bare ground.

Ruderal vegetation can provide important habitat for a number of different terrestrial vertebrates throughout all or parts of the year for breeding and/or foraging. A particular habitat's importance to the wildlife of the region, however, can be affected by many factors including the proximity of suitable nesting sites, the amount of available escape cover, the availability of water and food, and the extent of human disturbance. The highly disturbed nature of much of the on-site ruderal habitat provides minimal cover and, therefore, may limit this habitat's value for many terrestrial vertebrates.

Abandoned ground squirrel burrows and ruderal grassland on the site provide habitat for several reptile species, including the western fence lizard, which was observed on-site. Other reptile species such as the southern alligator lizard and gopher snake may also seek cover here, where they eat insects, spiders, small mammals, and birds.

Many resident and migratory birds may breed and forage on the project site, including turkey vultures which were seen over the site. Other raptors that may forage for insects, songbirds, rodents, or other small mammals on this site include the white-tailed kite, Cooper's hawk, and red-tailed hawk. Other bird species observed on the site include the rock dove, mourning dove, and lark sparrow.

Mammals observed on-site include cottontails, blacktailed jackrabbits, California ground squirrel, and Botta's pocket gopher. Other mammals likely to occur on-site include the ornate shrew, western harvest mouse, and California meadow vole. Small mammals often attract predators, including reptiles and birds previously discussed. These species also attract larger mammals known to occur in the region, including the coyote, gray fox, badger, cougar, and bobcat. Other large mammals that may occur on the site include the wild boar and black-tailed deer.

Manmade Canal

A man-made channel, Evergreen Canal, occurs on the site and is approximately 0.3 acres in size. The canal forms the site's northeastern boundary and is located approximately 300 feet northeast of Piercy Road. The canal sides are lined in gunnite (concrete) and most likely has a gunnite bottom, however, sediments have accumulated over time covering the canal bed. Sediment in the canal bed now supports some vegetation, including most of the upland species mentioned above and Mediterranean canary grass, rabbit's foot grass, and curly dock. The channel was dry during a site reconnaissance in October. The manmade canal was originally constructed to convey water from Coyote Creek to Thompson Creek and Silver Creek, as well as for irrigation. The canal is no longer utilized but holds an undetermined volume of water from surface runoff and/or rainfall.

The canal was originally constructed by SCVWD and was not constructed to take the place of any naturally-occurring drainage feature. The SCVWD canal is located within an easement and not on land owned by the District. The original purpose of constructing the canal was to convey flood waters from Coyote Creek (in the vicinity of Lake Anderson) north and into Thompson and Silver Creeks in the Evergreen Valley area of San José, although more recently the canal was used to deliver irrigation water from Coyote Creek to Evergreen area. The canal is no longer being utilized by SCVWD for either of these purposes. The canal no longer functions as significant sections of the canal both up and downstream have been filled in recent years. Thus, the canal is no longer hydrologically connected to either Coyote Creek to the southwest or Thompson and Silver Creeks to the northeast. When water is present in the canal, it is most likely the result of surface runoff or rainfall.

During the wet season, the canal may provide a seasonal source of drinking water for species occurring in the surrounding habitats and may also provide breeding habitat for amphibians such as the pacific treefrog and western toad. The presence of these latter species may also attract waterbirds such as the great blue heron and mallard that prey on these species. Special-status amphibian and reptile species such as the California tiger salamander, California red-legged frog, and western pond turtle would not occur in this limited artificial area because of the intermittent nature of the water and its isolation from other natural wetland habitats.

Mammalian species occurring in adjacent habitats on- and off-site, such as raccoons, coyotes, foxes, and bobcats may forage within the canal, but because the canal is a manmade feature with gunnite sites that supports limited hydrophytic vegetation, the canal provides extremely limited seasonal foraging habitat for such species.

4.4.2.2 *Special-Status Plants and Animals On-Site*

Special-Status Plant Species

A search of relevant databases, habitat assessments, and search of historic records were completed to identify special-status plant species that may occur in the project vicinity and determine the presence or absence of special-status animal species on-site. A total of 15 special-status plant species were identified in the database search that could occur in the general project vicinity. Due to the lack of suitable habitat (i.e., alkaline soils, chaparral, woodland, vernal pool habitats, and well-developed serpentine soils) for these species on-site, however, they are considered absent or unlikely to occur on site (refer to Appendix A).

Special-Status Animal Species

A search of relevant databases, habitat assessments, and search of historic records were completed to identify special-status animal species that may occur in the project vicinity and determine the presence or absence of special-status animal species on-site. A total of 23 special-status animal species occur, or once occurred, in the project vicinity. Of these, 11 species would be absent or unlikely to occur on the study area. The other 12 species may occur on-site as transients, migrants, or utilize the site as part of their normal foraging habitat. These 12 species include the white-tailed kite, northern harrier, sharp-shinned hawk, Cooper's hawk, golden eagle, merlin, burrowing owl, California horned lark, loggerhead shrike, California mastiff bat, pallid bat, and American badger. All of these species, with the exception of the burrowing owl and American badger, are relatively common regionally.

4.4.2.3 *Jurisdictional Waters*

Hydrologic features occurring on the site include the abandoned Evergreen Canal and several erosion gullies up slope to the northeast of the canal. Stormwater runoff drains down into the Evergreen Canal channel from above to natural swales below the canal to a culvert that passes under Piercy Road. As the canal is not a naturally occurring drainage, it would not be subject to the jurisdiction of the CDFG. In addition, the canal is a manmade feature that no longer functions and is not connected to naturally occurring drainages; therefore, the canal should not fall under the jurisdiction of either USACE or the RWQCB.

4.4.3 Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐	6
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐	☐	6
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒	☐	6
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☒	☐	☐	6
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	☐	6
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	☐	6

4.4.3.1 *Biotic Habitats*

Ruderal Habitat

The implementation of the proposed project would result in the loss of a highly disturbed non-native, ruderal grassland habitat. Because this habitat is highly disturbed and the vegetation present is dominated by non-native plants, it provides only limited biotic value for most native wildlife. Individuals of various species presently occupying the site would be displaced or lost from the site as a result of future development. Less disturbed grasslands, however, are currently abundant in the region and to the east of the site.

Manmade Canal

Implementation of the proposed project would most likely result in the filling of the portion of Evergreen Canal occurring on-site.[5] While wildlife species inhabiting the canal would be displaced from this habitat, they could utilize natural drainages nearby, such as Coyote Creek, which provides much higher biotic value for these species.

The loss of some habitat on-site due to future development is not expected to affect the persistence and presence of native wildlife in the vicinity of the project. For this reason, impacts due to the loss of these habitats for native wildlife resulting from future development are less than significant.

4.4.3.2 *Movement Corridor*

The project site constitutes at least a portion of a "movement corridor" for native wildlife species that come down from the hills to access Coyote Creek. The future development of the site would have a small effect on home range and dispersal movements of native wildlife now occurring immediately on-site and in its vicinity. Given the location and size of the site, however, the implementation of the project would not result in significant impacts to wildlife movement.

4.4.3.3 *Water Quality in Seasonal Drainages, Stock Pounds, and Downstream Waters*

Future site development resulting from the proposed project may require grading that leaves the soil of construction zones barren of vegetation and therefore, vulnerable to sheet, rill, or gully erosion. Eroded soil is generally carried as sediment in surface runoff to be deposited in natural creek beds, canals, and adjacent wetlands. Furthermore, urban runoff is often polluted with grease, oil, residues of pesticides and herbicides, and heavy metals. These pollutants may eventually be carried to sensitive wetland habitats used by a diversity of native wildlife species. With the implementation of the mitigation measures listed in **Section 4.8 Hydrology and Water Quality**, including implementation of best management practices (BMPs), the proposed project would not result in significant water quality impacts.

[5] Hipol, Theodore. "Re: District File 28597 – GPA for APN 678-13-012." Email from the Santa Clara Valley Water District, Community Projects Review Unit. 3 October 2006.

4.4.3.4 *Special-Status Animals*

On-Site Impacts

As discussed above, there are 12 special-status animal species that may occur on-site. All of the 12 species may use the site for foraging, however, the project site provides suitable habitat for only four of the 12 species: burrowing owl, northern harrier, California horned lark, and American badger.

All of the 12 special-status species that are likely to occur on-site, with the exception of the burrowing owl and American badger, are relatively common regionally. As discussed previously, the loss of the project site as habitat for these four species would be a less than significant impact given the small size of the site, poor quality of habitat, and abundant and higher quality grassland habitat to the east of the project site.

Future development resulting from the proposed project, however, could result in significant impacts to individual burrowing owls, northern harriers, California horned larks, and American badgers who may inhabit the site. The site provides suitable nesting habitat for burrowing owls in the form of California ground squirrel burrows. It should be noted, however, that burrowing owls have not been documented in the area (i.e., within three miles of the site) since 2003, and no direct or indirect evidence of their presence was observed on-site during a site reconnaissance in October 2006. In addition, no evidence of northern harriers, California horned larks, and American badgers were observed on-site during the reconnaissance in October. Nonetheless, the site provides suitable habitat for these species and they have potential to occupy the site. Future development of the site could result in the abandonment of active nests or direct mortality to burrowing owls, northern harriers, California horned larks, and American badgers. This would be a significant impact.

Future development resulting from the proposed GPA shall conform with applicable regulations (e.g., state and federal endangered species legislation, Federal Migratory Bird Act, State Fish and Game Code) and General Plan policies and therefore, would not result in significant impacts to individual burrowing owls, northern harriers, California horned larks, and American badgers that may inhabit the site.

Off-Site Impacts

Future development associated with the proposed GPA may require modifications to the existing outfall in Coyote Creek, located near the intersection of Tennant Avenue and Hellyer Avenue, or construction of a new outfall adjacent to the existing outfall (refer to **Section 4.16 Utilities and Service Systems**). Construction work for the modification of the existing outfall or the construction of a new outfall in Coyote Creek would have the potential to result in the removal of riparian vegetation and/or sedimentation impacts to the creek. Steelhead and western pond turtles are known to occur in Coyote Creek. In addition, loggerhead shrikes, California warblers, tree-nesting raptors, dusky-foot woodrats, ringtails, and bats are known to occur in the riparian habitat (including trees) along Coyote Creek. Work in Coyote Creek (and the riparian corridor) and/or increased runoff and sedimentation to Coyote Creek would result in impacts to special-status species including steelhead, western pound turtle, loggerhead shrike, California yellow warbler, tree-nesting raptors, dusky-foot woodrat, ringtail, and bat.

Future development resulting from the proposed GPA shall conform to applicable General Plan policies and therefore, would not result in off-site significant impacts to Coyote Creek or it associated riparian habitat or wildlife known to occur in the creek.

4.4.2.5 *Santa Clara Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP)*

The Planning Agreement for the HCP/NCCP requires that the CDFG and other agencies comment on the Reportable Interim Projects and recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives and not preclude important conservation planning options or connectivity between areas of high habitat value. The project site is within the interim referral area; however, it will not adversely affect natural communities, and no referral is required.

4.4.2.6 *Cumulative Impacts*

Although no applications are on file at the City, it is anticipated that the applicant will submit applications to change the land use designation and zoning on two parcels located to the southwest of the project site, on the south side of Piercy Road, to develop high density residential uses (APN 678-08-045 and 678-08-055) (refer to Figure 4.0-1). A biological constraints analysis was completed to analyze the combined impacts of developing the proposed project site and the two parcels located to the southwest of the site. A copy of the constraints analysis is included as Appendix B of this Initial Study.

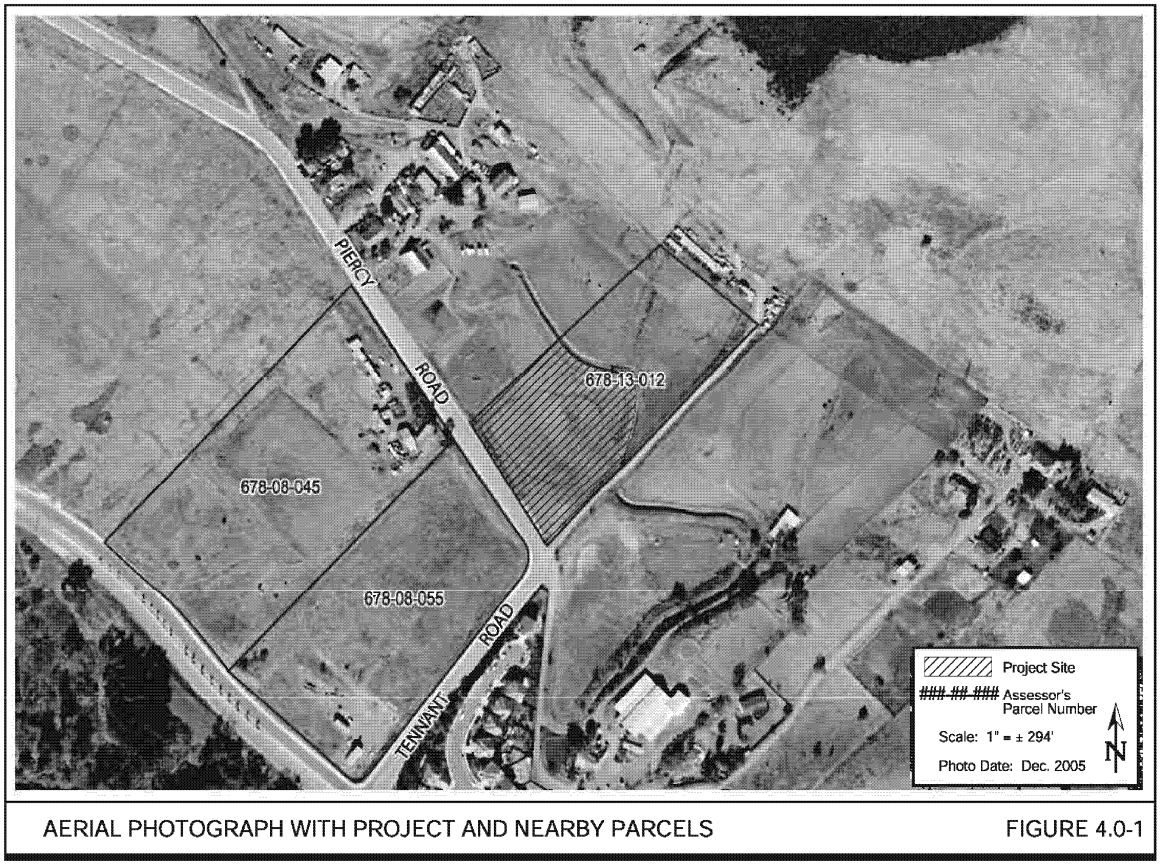
The proposed project, in combination with anticipated development on these two parcels southwest of the site and other future development in the project area, would result in cumulative impacts to the northern harrier, burrowing owl, California horned lark, and American badger; as well as wildlife movement (refer to Appendix B). Implementation of mitigation, standard, and avoidance measures, such as those listed above, would be required on a project-by-project basis to avoid or reduce impacts to special-status animal species to a less than significant level. For this reason, the development of the project site and the parcels southwest of the site would have a less than significant cumulative impact on special-status animal species.

Movement Corridor

As discussed previously, the development of the approximately 3.24-acre project site would result in a less than significant impact on wildlife movement from the hills to Coyote Creek. The development of the project site in combination with the development of the parcels to the southwest of the site, however, would fragment habitat and result in significant cumulative impacts to wildlife movement from the foothills of the Hamilton Range and Coyote Creek.

The project site constitutes approximately 16 percent (or 3.24 acres) of the considered cumulative corridor, which is a total of approximately 20 acres. Given the relatively small size of the project site (3.24 acres) in comparison to the combined area of the parcels to the southwest of the site (16.8 acres), the development of the project site would not significantly contribute to the cumulative impact to wildlife movement from development of these parcels. The two parcels located to the southwest of the site are included in the Edenvale Redevelopment Area and development of these parcels was evaluated in the *Edenvale Redevelopment Project EIR* (March 2000). It was concluded in the *Edenvale Redevelopment Project Final EIR* that the development of the two parcels would

Figure 4.0-1 Aerial Photograph with Project and Nearby Parcels



"substantially obstruct the movement of wildlife" and result in a significant unavoidable impact to wildlife movement. The City Council adopted a statement of overriding consideration for this impact.

4.4.5 Conclusion

Impact BIO – 1: Future development under the proposed GPA, in conformance with applicable General Plan policies and regulations (e.g., state and federal endangered species legislation, Federal Migratory Bird Act, State Fish and Game Code), would not result in significant impacts to biological resources. **(Less Than Significant Impact)**

Project-Level Mitigation Measure to be Considered at the Time of Future Development

On-Site Impacts

Northern Harrier

- If possible, future construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors should be completed by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation.
  - Between January and April (inclusive) pre-construction surveys should be completed no more than 14 days prior to the initiation of construction activities.
  - Between May and August (inclusive), pre-construction surveys should be completed no more than thirty (30) days prior to the initiation of construction activities.
  - The surveying ornithologist should inspect the ground in and immediately adjacent to the construction area for raptor nests.
  - If an active raptor nest is found in or near enough to the construction area to be disturbed by these activities, the ornithologist should, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest.
  - The applicant should submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner prior to the issuance of any grading or building permit.

Burrowing Owl

- The future developer should have a qualified biologist complete a protocol-level survey (in conformance with California Department of Fish and Game standards) and prepare a report not more than one month prior to construction activities to determine the presence of burrowing owls on the site. If owls are present on the site, a mitigation program should be developed in conformance with the requirements of the California Department of Fish and Game (CDFG) and the U.S. Wildlife Service. If mitigation includes relocation, owls should not be relocated during the nesting season (March though August). Prior to the issuance of any grading or building permits, the developer should submit a biologist's report to the

satisfaction of the City's Environmental Principal Planner indicating that no owls were found on the site or that owls were present and that mitigation has been implemented in conformance with the requirements of the above regulatory agencies.

California Horned Larks and American Badgers

- Pre-construction surveys for California horned larks and American badgers should be completed by a qualified biologist no more than one month prior to future construction activities to determine their presence on-site. If they are found in or near enough to the construction area to be disturbed, the biologist should, in consultation with the CDFG, designate a construction-free buffer zone around the nest/den. The applicant should submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner prior to issuance of any grading or building permit.

Off-Site Impacts

Because no specific development is proposed at this time, the exact size and extent of the outfall improvements/modifications are not known at this time. Therefore, future development resulting from the proposed project that would require modifications to an existing outfall in Coyote Creek or construction of a new outfall to Coyote Creek shall consider the following measures to reduce impacts:

- Any future development project on the project site should consult with the SCVWD regarding what, if any, improvements would be necessary to the outfall in Coyote Creek or if a new outfall would need to be constructed. The future development project should consult with the appropriate regulatory agencies and obtain permits for any work within the Coyote Creek channel. Permits that could be required for impacts to Coyote Creek include a Nationwide Permit for minor impacts (assuming improvements to the existing outfall or the construction of a new outfall would be the only impact) from the United States Army Corps of Engineers (USACE); Section 401 Certification from the Regional Water Quality Control Board (RWQCB); and Streambed Alteration Agreement from the California Department of Fish and Game (CDFG). Future development should be required to conform to all mitigation requirements of these permits. The agencies would require future development to demonstrate avoidance to the extent practicable, to implement minimization measures, and compensate for any residual effects. The compensation could be accomplished either by on- or off-site created habitat in an area that is currently classified as upland habitat or within/adjacent to a local tributary.

- Improvements to the existing outfall or construction of a new outfall should be prohibited during the steelhead spawning season and rainy season (October 15 through June 14) when runoff water would enter the stream.

- A pre-construction survey for western pond turtles and red-legged frogs should be completed 48 hours prior to initiation of any construction within the creek habitat. Outfall construction should be prohibited during the rainy season (October 15 through April 15), and a biological monitor should be present during construction, to ensure individual turtles and/or frogs are not harmed during ground disturbance within Coyote Creek. Finally, mitigation in the form of replacement habitat should be required for the loss of suitable habitat.

- A pre-construction survey should be completed for loggerhead shrike and California yellow warbler within 30 days of ground disturbance if construction is initiated during the breeding season (February 1 through August 31). If an active nest is found, a construction-free buffer should be established to protect the breeding songbirds until the young have fledged.

- Future development should implement measure 1 or 2 listed below and measures 3 and 4 to reduce impacts to tree-nesting raptors:

  (1) *Avoidance*. Construction should be scheduled to avoid the nesting season to the extent feasible. In the South San Francisco Bay area, most raptors breed from January through August. If construction can be scheduled to occur between September and December, the nesting season would be avoided, and no impacts to nesting birds/raptors would be expected.
  -OR-
  (2) *Preconstruction/Pre-disturbance Surveys*. If it is not feasible to schedule construction between September and December, preconstruction surveys for nesting raptors should be conducted by a qualified ornithologist to ensure that no active nests will be disturbed or destroyed during project implementation. Preconstruction surveys for nesting birds/raptors should be conducted no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the ornithologist would inspect the ground in open fields, as well as all trees in and immediately adjacent to the impact areas for nesting birds and raptor. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with CDFG, would determine the extent of a construction-free buffer zone (typically 250 feet) to be established around the nest.

  -AND-

  (3) *Inhibit Nesting*. If vegetation is to be removed during construction of outfall improvements or a new outfall in Coyote Creek, and all necessary approvals have been obtained, potential nesting substrate (e.g., bushes, trees, grass, burrows) that will be removed by the construction work should be removed before the start of the nesting season (January), if feasible, to help preclude nesting. Removal of vegetation to be removed by the construction of outfall improvements or a new outfall in Coyote Creek should be completed outside of the nesting season, which extends from January through August.

  (4) A final report on nesting birds and raptors, including any protection measures, should be submitted to the Environmental Principal Planner, and be completed to the satisfaction of the Director of PBCE prior to start of future project grading.

- A pre-construction survey should be completed along Coyote Creek (250-feet in each direction of the area of improvement) to determine if any San Francisco dusky-foot woodrats or ringtails may be affected by the improvements to the existing outfall or the construction of a new outfall. If trees need to be removed, the trees shall be inspected to determine if they offer denning sites for ringtail. Should evidence of either species be present, a disturbance free buffer shall be erected around denning sites and monitored by a qualified biologist. An appropriate buffer should be determined by a qualified biologist on a nest-by-nest basis, based on topography, surrounding vegetation, specific construction activity in the immediate area, etc.

- Pre-demolition and pre-construction surveys for roosting bats should be conducted by a qualified bat biologist after the maternity season and before the wet season (i.e., between August 15 and October 15) and 14 days prior to any removal of trees greater than 12 inches in diameter. No activities that would result in disturbance to active roosts should proceed prior to the completed surveys. If no active roosts are found, then no further action should be warranted. If a maternity roost is present, a qualified bat biologist should determine the extent of construction-free zones around active nurseries located during surveys. The California Department of Fish and Game should also be notified of any active nurseries within the construction zones.

  - Initial surveys can be conducted any time prior to the pre-demolition surveys to establish if a particular location has supported, or supports, roosting bats. A survey for indications of nursery roosts would be conducted prior to March 1. If indications of a maternity roost are present, the tree(s) should not be removed before a maternity roost becomes established.
  - In the event an active maternity colony of bats is found in the construction area, tree removal should occur after August 31 and before March 1 to avoid interfering with any active nursery. If a non-breeding bat hibernaculum is found in the trees to be removed, the individuals should be safely evicted, under the direction of a qualified bat biologist, through a "partial dismantle" process, whereby the roosting area is opened to allow airflow through and sunlight into the tree, making it unsuitable habitat and undesirable for the bats to return to the tree and construction area. Tree removal should then follow no later than the following day (i.e., there shall be no less than one night between initial disturbance for airflow and the tree removal). This action allows bats to leave during the night, thus increasing their chances of finding new roosts with a minimum of potential predation during daylight hours.
  - A final report on bats, including any protection measures, should be submitted to the Director of PBCE prior to start of construction.

4.5 CULTURAL RESOURCES

4.5.1 Introduction

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating cultural resources impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the cultural resources policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Historic, Archaeological and Cultural Resources Policy 1: Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.

- Historic, Archaeological and Cultural Resources Policy 8: For proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.

- Historic, Archaeological and Cultural Resources Policy 9: Recognizing that Native American burials may be encountered at unexpected locations, the City should impose a requirement on all development permits and tentative subdivision maps that upon discovery of such burials during construction, development activity will cease until professional archaeological examination and reburial in an appropriate manner is accomplished.

4.5.2 Setting

4.5.2.1 *Prehistoric Resources*

The following discussion is based on a cultural resource study completed for the project site by *Holman & Associates*. The study consisted of an archaeological literature review and site reconnaissance. A copy of this study is on file at the City of San José, Department of Planning, Building, and Code Enforcement and can be reviewed during normal business hours.

An archaeological literature review was completed for the site at the Northwest Information Center (NWIC) located at Sonoma State University to obtain information about recorded archaeological sites in and around the project area, and evidence of previous archaeological field inspections of the area. There are no historic or prehistoric archaeological sites recorded inside or within 500 feet of the project site.

A site reconnaissance was completed to inspect the surface for any indicators of historical archaeological materials and/or prehistoric archaeological deposits. At the time of the reconnaissance, the site was covered by a moderate layer of grass and weeds, which obscured approximately 50 percent of the ground surface. Where visible, the soils consist of a dark gray loam containing abundant amounts of basalt gravels, ranging from fist size to smaller. In addition, small amounts of naturally occurring chert were visible on the surface.

4.5.2.2 *Historic Resources*

There are no structures on the site, other than the non-functional Evergreen canal that forms the northern border of the project site. There are no historically significant structures located on-site.

4.5.3 Environmental Checklist and Discussion of Impacts

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☒	☐	☐	1
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☐	☒	☐	☐	7
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	☐	1,7
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐	☐	7

4.5.3.1 *Prehistoric Resources*

Due to the absence of recorded cultural resources on or near the site and the lack of evidence of historical or prehistorical archaeological deposits on-site, the development of this property is not anticipated to impact archaeological resources. However, should any archaeological resource be found during grading operations, their disturbance would be a significant impact.

Future development resulting from the proposed GPA shall comply with applicable City policies, including those listed previously, and therefore, result in less than significant impacts on prehistoric resources.

4.5.3.2 *Historic Resources*

There are no buildings located on-site. Implementation of the proposed project, therefore, would not have impacts on historic structures.

4.5.4 Conclusion

Future development under the proposed project, in conformance with applicable General Plan and policies, would not result in significant impacts to cultural resources. **(Less Than Significant Impact)**

Project-Level Mitigation Measure to be Considered at the Time of Future Development

- Should evidence of prehistoric or historic era cultural resources[6] be discovered during future construction work, work within 20 feet of the find should be stopped to allow adequate time for evaluation and mitigation by a qualified professional archaeologist. The material should be evaluated and if significant, a mitigation program including collection and analysis of the materials at a recognized storage facility should be developed and implemented under the direction of the City's Environmental Principal Planner.

- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there should be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner should be notified and should make a determination as to whether the remains are Native American.

  If the Coroner determines that the remains are not subject to his/her authority, the Native American Heritage Commission should be notified to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner should re-inter the human remains and items associated with Native American burials on the property in a location no subject to further subsurface disturbance.

[6] Significant prehistoric cultural materials may include: human bone – either isolated or intact burials; habitation (occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction); artifacts including chipping stone objects such as projectile points and bifaces, groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones, and shell and bone artifacts including ornaments and beads; various features and samples including hearths (fire-cracked rock, baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities; and isolated artifacts.

Significant historic cultural materials may include finds from the late 19th through early 20th centuries. Objects and features associated with the Historic Period can include: structural remains or portions of foundations (bricks, cobbles/boulders, stacked field stone, postholes, etc.); trash pits, privies, wells, and associated artifacts; isolated artifacts or isolated clusters of manufactured artifacts (e.g., glass bottles, metal cans, manufactured wood items, etc); and human remains. In addition, cultural materials including both artifacts and structures that can be attributed to Hispanic, Asian, and other ethnic or racial groups are potentially significant. Such features or clusters of artifacts and samples include remains of structures, trash pits, and privies.

4.6 GEOLOGY AND SOILS

The following discussion is based on a geologic evaluation (including an addendum) and a preliminary fault investigation completed for the project site by *Terrasearch, Inc.* The purpose of these reports was to characterize the geologic conditions of the project site and discuss the feasibility of development on-site. Copies of these reports are included in Appendix C of this Initial Study.

4.6.1 Introduction

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating geology and soils impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the geology and soils policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Hillside Development Policy 1: Regardless of maximum potential, residential densities designated by the General Plan Land Use/Transportation Diagram for land with a slope of seven percent or greater, the City should only allow the development of these lands at densities consistent with the City's objectives of minimizing exposure to environmental hazards, maximizing resource conservation, and achieving compatibility with existing land use patterns.

- Hillside Development Policy 3: Hillside residential development at urban densities (one du/ac or greater) should be located only where adequate services and facilities can be feasibly provided and damage to such services and facilities, due to landslides, fire, or other environmental hazards can be mitigated to an acceptable level.

- Hillside Policy 13: Development should only be permitted in hillside areas if potential danger to the health, safety, and welfare of the residents, due to landslides, fire, or other environmental hazards can be mitigated to an acceptable level.

- Hillside Development Policy 14: The City should require soils and geologic review of hillside development proposals to assess such potential hazards as seismic hazards, surface ruptures, liquefaction, landsliding mudsliding, erosion and sedimentation in order to determine if these hazards are present and can be adequately mitigated. Geotechnical studies for hillside development proposals should determine the actual extent of seismic and other hazards, optimum location for structures, the advisability of special structural requirements, and the feasibility and desirability of a proposed facility in a specified location. Hillside development should incorporate the identified mitigation measures necessary to protect public safety and the natural environment.

- Hillside Policy 15: Hillside development within areas of potential geological hazards should be designed to avoid being endangered by, or contributing to, the hazardous conditions on the site or adjoining properties.

- Soils and Geology Conditions Policy 8: Development proposed within areas of potential geological hazards should not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties.

- Earthquake Policy 1: The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

- Earthquake Policy 3: The City should only approve new development in areas of identified seismic hazard if such hazard can be appropriately mitigated.

- Earthquake Policy 6: Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.

4.6.2 Setting

4.6.2.1 *Soil Conditions*

The project site is located in the Coast Range Province of Central California, which consists of complexly faulted and folded Mesozoic and Cenozoic rocks with a generally northwest structural grain. The project site generally slopes from the northeast to the southwest. The project site is underlain by serpentine and late quaternary non-marine sediments. Embankments of sliver fill were present along the borders of the project site. A possible area of slumping was observed downslope from the canal. The soils on-site are moderately to highly expansive.

4.6.2.2 *Seismicity and Seismic Hazards*

The San Francisco Bay Area is one of the most seismically active regions in the United States. Santa Clara County is classified as Zone 4, the most seismically active zone. An earthquake of moderate to high magnitude generated within the San Francisco Bay region could cause considerable ground shaking at the project site. The degree of shaking is dependent on the magnitude of the event, the distance to its zone of rupture and local geologic conditions.

The project site is not located in an Alquist-Priolo Earthquake Fault Zone, however, it is located in a fault rupture hazard zone for strong ground shaking associated with a major earthquake along nearby faults. Nearby faults include the San Andreas Fault located approximately 13 miles southwest of the project site, the central extension of the Calaveras Fault located approximately six miles east of the project site, the Monte Vista-Shannon Fault located approximately four miles west of the site, the southern extension of the Hayward Fault located approximately three miles east of the project site, and the Piercy Fault located a short distance upslope from the canal on-site. Previous geotechnical investigations for nearby properties indicate that fault traces project towards the site from the northwest.

Exploratory trenches were excavated across the site to evaluate the extent of the Piercy Fault and the possibility of other fault lines or traces passing through the project site (see Figure 3.0-1). Fault exposures were observed in the trenches. The observed fault exposures align into two fault traces crossing the site, trending northwest to southeast (see Figure 3.0-1). Based on the geologic constraints on the site, as discussed in **Section 3.0 Project Description**, the project site can be divided into three different land use categories. Areas of the project site corresponding to the land use categories are shown on Figure 3.0-1 and summarized in Table 3.0-1. Area A consists of land

suitable for the development of habitable structures,[7] Area B consists of land that requires additional geologic explorations to determine suitability for habitable structures, and Area C consists of land lying within required setbacks from fault traces. Fault traces angle to the east and may limit construction below grade.

There has been a landslide mapped within the site. Landslides could occur during large earthquakes. The secondary hazards of lurch cracking, liquefaction, and differential compaction are not significant due to the shallow depth to bedrock.

4.6.3 Environmental Checklist and Discussion of Impacts

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
a) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☐	☐	☒	☐	☐	8,14
b) Strong seismic ground shaking?	☐	☐	☒	☐	☐	8
c) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒	☐	8
d) Landslides?	☐	☐	☒	☐	☐	8
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐	8
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒	☐	8
4) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐	☐	8

[7] The total acreage of Area A suitable for habitable structures could increase to include land in Area B if subsequent geological investigations of Area B do not locate a fault trace or other geologic hazards that make Area B unsuitable for habitable structures.

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	☐	8

4.6.3.1 *Soil Conditions*

Due to the lack of outcrops and gently rounded nature of the hillslopes, rippability and asbestos-containing ultramafic rocks would not likely impact future development. As discussed above, the project site includes moderate to highly expansive soils, which may expand and contract as a result of seasonal or man-made soil moisture conditions. Expansive soil conditions could potentially damage the future development on the site, which would represent a significant impact unless avoided by incorporating appropriate engineering into grading and foundation design. The proposed project could be exposed to slope instability downslope from the canal. A very small portion of the site is in an area with potential for earthquake-induced landslides. Due to the expansion potential of the soils on-site, there is a potential to expose people and structures to significant geological hazards.

Future development resulting from the proposed GPA shall comply with applicable City General Plan policies, including those listed previously, and therefore, result in less than significant impacts from expansive soils.

4.6.3.2 *Seismicity and Seismic Hazards*

The project site is located in a fault rupture zone and in proximity to the Piercy Fault. Also, as shown in Figure 3.0-1, there are two fault traces that cross the project site. Strong ground shaking, therefore, would be expected during the lifetime of future development. Ground shaking on the site could damage buildings and other proposed structures, and threaten the welfare of future residents. The development of future habitable structures under the proposed GPA would be restricted to Area A on Figure 3.0-1. Until it is determined through additional geological explorations that Area B on Figure 3.0-1 is suitable for habitable structures, the use of Area B shall be limited to open space uses such as parking, roads, resident serving private or common open space, and non-habitable recreation facilities. In addition, Area C on Figure 3.0-1 shall be limited to open space uses such as parking, roads, resident serving private or common open space, and non-habitable recreation facilities. No habitable structures shall be constructed within Area C. Any additional trenching should be completed only during the dry season, as the section of the abandoned Evergreen Canal located on the site will need to be removed and replaced with a temporary drainage way.

In addition, as discussed previously, a landslide has been mapped within the project site and a very small portion of the site is in an area with potential for earthquake-induced landslides.

Future development resulting from the proposed GPA, consistent applicable General Plan policies and the land use restrictions discussed above and in **Section 3.0 Project Description**, would not result in significant seismicity and seismic hazard impacts.

4.6.4 Conclusion

Future development resulting from the proposed GPA shall comply with applicable City policies and guidelines and therefore, result in less than significant geology and soil impacts. **(Less Than Significant Impact)**

Project-Level Mitigation Measure to be Considered at the Time of Future Development

Expansive Soils

- Future buildings should be designated and constructed in accordance with the design-level geotechnical investigation prepared for the site, which identifies the specific design features that will be required for the project, including site preparation, slope instability downslope from the canal, compaction, trench excavations, foundation and subgrade design, drainage and pavement design. The design-level geotechnical investigation should also evaluate the possible slump and sliver fills on-site. In addition, landslide potential should be addressed. The geotechnical investigation should be reviewed and approved by the City Public Works Department prior to issuance of a grading permit or Public Works Clearance for the project.

- Future development should implement standard grading and best management practices to prevent substantial erosion and siltation during development of the site.

Seismicity and Seismic Hazards

- Future development should be designed and constructed in conformance with the Uniform Building Code guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking and seismic-related hazards (including landslides) on the site.

- No habitable structure should be constructed within Area B (see Figure 3.0-1) until additional testing is done in this area by a qualified engineering geologist and is determined to be suitable by the City Geologist.

- No habitable structure should be constructed within Area C (see Figure 3.0-1).

- A qualified engineering geologist shall review the grading plans for future development to determine whether or not the proposed earthwork for the site would require adjustments to the building setback lines.

4.7 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on a Phase I environmental site assessment completed by *Terrasearch, Inc.* in July 2006. The purpose of the environmental assessment was to identify and assess potential sources of hazardous materials at the site and to assess their potential to impact the project. The assessment included a regulatory database search for any known or suspected hazardous materials or waste problems on the site or in the vicinity of the site, and a site reconnaissance. A copy of this report is included in Appendix D of this Initial Study.

A subsequent Phase II environmental site assessment (and additional laboratory analysis) was completed by *Terrasearch, Inc.* in June 2007 to evaluate the presence and/or absence of metals in on-site soils. A copy of the Phase II and additional laboratory analysis is included in Appendix E of this Initial Study.

4.7.1 Introduction

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating hazardous materials impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the hazards and hazardous materials policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Fire Hazards Policy 2: All new development should be constructed, at a minimum, to the fire safety standards contained in the San José Building Code.

- Fire Hazards Policy 3: New development adjacent to heavily grassed and semi-arid hillsides should be designed and located to minimize fire hazards to life and property, including the use of such measures as fire preventive site design, landscaping and building materials, and the use of fire suppression techniques, such as sprinklering.

- Fire Hazard Policy 5: Anticipated fire response times and fire flows should be taken into consideration as part of the Development Review process.

- Fire Hazard Policy 6: New development should provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as provide secure evacuation routes for the inhabitants of the area.

4.7.2 Setting

4.7.2.1 *Site Conditions*

On-Site Observations

The project site is currently undeveloped and consists of seasonal grasses and weeds. Based on visual observations, no surficial evidence indicating the presence of USTs (concrete pads, vent lines, pump islands, etc.) was observed at the project site. No visual evidence of sumps, drains, or pits were noted at the project site. No evidence of polychlorinated biphenyls (PCBs) was observed on the project site. The United States Geological Survey (USGS) considers this a low exposure potential area for radon.

Historical Site Condition

A review of historical aerial photographs shows few changes occurring at the project site over the last 59 years. In 1939, the project site was undeveloped and the surrounding area consisted of farmland and orchards. By 1956, a creek or tributary (Evergreen Canal) traversed the northeastern boundary of the site. By 1982, most of the surrounding farmland and orchards were removed and the sites graded for housing.

According to the property owner, the site has historically been used for pastures and horse grazing and the only improvements made to the site were the Santa Clara Valley Evergreen Canal and the storm drain installed by the City of San José near the center of Piercy Road.

4.7.2.2 *Potential On-Site Sources of Contamination*

A review of public records of regulatory agencies found that the only potential adverse environmental impact to the project site is the presence of naturally occurring mercury and other metals in the subsurface soil due to the site's proximity to the New North Almaden Mine (Piercy Mine) located approximately 0.8 miles northwest of the site.

Soil samples were collected from depths of 0.5 to three feet below ground surface and analyzed for metals, including mercury, arsenic, and lead. Details regarding the soil analysis are included in Appendix D of this Initial Study. The results of the soils analysis found levels of arsenic and chromium above their respective preliminary remediation goals (PRGs). PRGs are established by the U.S. Environmental Protection Agency and are risk-based concentrations that are used as screening levels in determining if further evaluation is warranted, prioritizing areas of concern, establishing initial cleanup goals, and estimating potential health risks. PRGs are generic and not site specific. Sites may have naturally occurring metals at concentrations above their respective PRGs. The background levels of the metals for the project area are provided in Table 4.0-1 below. Table 4.0-1 provides a summary of the soil sample results, metal background levels, and PRGs.

Table 4.0-1
Summary of Metals in Site Soil

Metal	On-Site Concentrations	Range of Background Levels	Preliminary Remediation Goals
	(in parts per million)		
Antimony	<0.5	<0.5 – 0.61	31
Arsenic	**3.9 – 4.6**	**3.3 – 6.4**	**0.39**
Barium	160 – 190	130 – 230	5,400
Beryllium	0.52 – 0.63	<0.5 – 0.7	150
Cadmium	<0.25	<0.25	37
Chromium	**140 – 260**	**140 – 320**	**210**
Copper	25 – 40	24 – 63	900
Cobalt	27 – 41	26 – 42	3,100
Lead	6.9 – 10	8.7 – 43	150
Mercury	<0.05 – 0.11	0.097 – 0.29	23
Molybdenum	<0.5 – 3.6	<0.5 – 0.64	390
Nickel	330 – 590	290 – 1,200	1,600

Table 4.0-1
Summary of Metals in Site Soil

Metal	On-Site Concentrations	Range of Background Levels	Preliminary Remediation Goals
	(in parts per million)		
Selenium	<0.5	<0.5	390
Silver	<0.5	<0.5	390
Thallium	<0.5	<0.5	5.2
Vanadium	56 – 77	51 – 66	78
Zinc	43 – 65	59 – 310	23,000

Note: **Bold** text indicates levels above the preliminary remediation goal.

While concentrations of arsenic and chromium were detected above their respective PRGs, they are within and/or below the naturally occurring background levels. For this reason, the concentrations of metals, including arsenic and chromium, on-site would not result in a significant impact.

There are no records or evidence of underground storage tanks on-site. In addition, no evidence of asbestos containing materials or transformers was observed on-site.

4.7.2.3 *Potential Off-Site Sources of Contamination*

A database search was undertaken for the purpose of identifying all sites within the project area where there are known or suspected sources of contamination, as well as sites that handle or store hazardous materials. Federal, state, local, historical, and brownfield databases were searched. The databases searched and results are included in Appendix D of this Initial Study. The identification of contaminated or hazardous materials sites is important so that public safety impacts can be avoided and/or mitigated. The project site was not identified in databases for handling or storing hazardous materials and no facilities within a 0.25-mile radius of the project site were identified as handling or storing hazardous materials.

4.7.3 Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐	1
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐	☐	11,12

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	☐	11,12
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐	11
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐	1,2
8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐	☐	13

4.7.3.1 *Potential Sources of Contamination*

Based on aerial photographs and information from the current property owner, the project site has not changed substantially in the past 59 years. In the past, the site was used for pastures and horse grazing. The site remains undeveloped.

Due to the project site's proximity to the New North Almaden Mine (Piercy Mine), it was possible that the subsurface soil could contain elevated levels of mercury and other metals. As discussed above, concentrations of arsenic and chromium were detected at levels above their respective PRGs.

On-site levels of arsenic and chromium, however, are below their background levels in the area. For this reason, the on-site levels of arsenic and chromium would not result in a significant impact. It is the opinion of the City's Municipal Environmental Compliance Officer that the project site is suitable for residential development and no mitigation is required.

4.7.3.2 *Other Hazards*

The project site is not located within the Santa Clara County Airport Land Use Commission (ALUC) jurisdiction, nor is it on one of the City's designated evacuation routes.

The project site is located within a high wildfire threat zone. The City of San José Building Department has standard requirements for roofing materials, exterior building materials, access roads, minimum water supply, and minimum separation from combustible materials such as vegetation. Depending on the type of construction and water supply, the Bureau of Fire Prevention (BFP) may require additional measures. Project compliance with the City's standard building requirements and requirements by the BFP would reduce the project's wildland fire impacts to a less than significant level.

4.7.3 Conclusion

Future development resulting from the proposed GPA, in conformance with applicable General Plan policies, would not result in less than significant hazards and hazardous materials impacts. **(Less Than Significant Impact)**

4.8 HYDROLOGY AND WATER QUALITY

4.8.1 Introduction and Regulatory Framework

4.8.1.1 *National Pollution Discharge Elimination System Permit (NPDES)*

The discharge of stormwater from the City's municipal storm sewer system is regulated primarily under the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) was developed in accordance with the requirements of the revised 1995 version of the San Francisco Bay Basin Water Quality Control Plan, for the purpose of reducing water pollution associated with urban storm water runoff. This program was also designed to fulfill the requirements of Section 304(1) of the Federal Clean Water Act, which mandated that the Environmental Protection Agency develop National Pollutant Discharge Elimination System (NPDES) Permit application requirements for various storm water discharges, including those from municipal storm drain systems and construction sites. The provisions of the SCVURPPP NPDES permit require each of the co-permittees, including the City of San José, to implement measures/Best Management Practices (BMPs) to reduce stormwater pollution from new development or redevelopment projects to the maximum extent practicable.

Additional water quality control measures were approved in October 2001 when the San Francisco Bay Regional Water Quality Control Board (RWQCB) adopted an amendment to the NPDES permit for Santa Clara County (permit number CAS 029718), Provision C.3. This amendment, which is commonly referred to as "C3," requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling one acre or more to 1) include stormwater treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of stormwater runoff from the project site; and 3) ensure that stormwater treatment measures are properly installed, operated, and maintained.

As of August 15, 2006, this amendment requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling 10,000 square feet or more, to be designed with BMPs that reduce storm water pollution to the maximum extent practicable through source control measures and storm water treatment measures and to include hydraulically-sized TCMs.

4.8.1.2 *City of San José General Plan, Policy 6-29, and Policy 8-14*

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the hydrology and water quality policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Level of Service Goal 2: Achieve the following level of service for storm drainage – minimize flooding on public streets and minimize property damage from stormwater.

- Level of Service Policy 2: Capital and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new

growth. The City Council may provide a system whereby funds for capital and facility needs may be advanced and later repaid by the affected property owners.

- Level of Service Policy 12: New projects should be designed to minimize potential damage due to stormwaters and flooding to the site and other properties.

- Storm Drainage and Flood Control Policy 12: New projects should be designed to minimize potential damage due to stormwaters and flooding to the site and other properties.

- Flooding Policy 7: The City should require new urban development to provide adequate flood control retention facilities.

- Bay and Baylands Policy 5: The City should continue to participate in the Santa Clara Valley Non-Point Source Pollution Control Program and take other necessary actions to formulate and meet regional water quality standards, which are implemented through the National Pollution Discharge Elimination System Permits and other measures.

- Water Resources Policy 8: The City should establish policies, programs, and guidelines to adequately control the discharge of urban runoff and other pollutants into the City's storm drains.

- Water Resources Policy 9: The City should take a proactive role in the implementation of the Santa Clara Valley Urban Runoff Pollution Prevention Program.

- Water Resources Policy 12: For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

In addition to the City's General Plan policies, Future development resulting from the proposed land use designation shall be required to comply with the following City policies:

- *City of San José Post-Construction Urban Runoff Management Policy 6-29*, which establishes guidelines and minimum BMPs for all projects.

- *City of San José Post-Construction Hydromodification Management Policy 8-14*, which provides for numerically sized (or hydraulically sized treatment control measures).

4.8.2 Setting

4.8.2.1 *Drainage and Flooding*

The nearest waterway to the project site is Coyote Creek, which is located approximately 0.3 miles southwest of the site. The northeastern boundary of the project site is the Evergreen Canal. This canal is currently non-functional and abandoned. The majority of the site is pervious. Runoff from the site flows into a storm drain located on Piercy Road and empties into Coyote Creek.

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), the project site is located within Zone D, which is defined as areas of undetermined but possible flood hazards.[8] The project site is not located within a 100-year flood zone.

The project site is not subject to flooding due to dam failure, seiches, or tsunamis.[9]

4.8.2.2 *Water Quality*

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as non-point source pollutants, are washed from streets, construction sites parking lots, and other exposed surfaces into storm drains. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitat of waterways such as Los Gatos Creek, which eventually flows into San Francisco Bay.

4.8.3 Environmental Checklist and Discussion of Impacts

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	☐	1
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒	☐	1
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	☐	1

[8] Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel Number 060337 0270 D. 2 August 1982.
[9] Association of Bay Area Governments. Dam Failure Inundation Hazard Map for SE San José. 1995. Available at: http://www.abag.ca.gov/cgi-bin/pickdamx.pl. Accessed June 11, 2007.

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	☐	☐	☒	☐	☐	1
5) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐	☐	1
6) Otherwise substantially degrade water quality?	☐	☐	☒	☐	☐	1
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	9
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒	☐	9
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒	☐	1,9,10
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	☐	10

4.8.3.1 *Drainage and Flooding*

Most of the project site is pervious. Future development on-site would most likely result in an increase in impervious surfaces, resulting in an increase in runoff from the site. Future development would be required to connect to the City's existing storm drain system. As discussed in **Section 4.16 Utilities and Service Systems**, the existing storm drain system in Piercy Road has limited capacity for private development runoff. For this reason, future development on the project site resulting from the proposed project would need to either: 1) upsize the existing storm drain line in Tennant Avenue and make improvements to the existing outfall structure in Coyote Creek, or 2) construct a parallel pipe system to the existing storm drain line in Tennant Avenue and construct a new outfall in Coyote Creek to accommodate project generated runoff. The storm drain improvements would likely take place in the existing roadways and Coyote Creek. Impacts from storm drain improvements and

mitigation measures required to reduce impacts to a less than significant level are discussed in **Sections 4.16 Utilities and Service Systems** and **4.4 Biological Resources**. Future development, with the implementation of the mitigation measures identified in **Sections 4.16** and **4.4**, would not result in significant drainage impacts.

4.8.3.2 *Water Quality*

Construction-Related Impacts

Construction of the proposed project, as well as grading and excavation activities, may result in temporary impacts to surface water quality. Construction of the proposed project would also result in a disturbance to the underlying soils, thereby increasing the potential for sedimentation and erosion. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drain system.

Future development resulting from the proposed GPA shall comply with applicable City policies, including those listed previously, and therefore, result in less than significant construction-related water quality impacts.

Post-Construction Impacts

Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from future development may contain increased oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from landscaped areas.

The amount of pollution carried by runoff from the site would increase accordingly. The project would increase traffic and human activity on and around the project site, generating more pollutants and increasing dust, litter, and other contaminants that would be washed into the storm drain system. Implementation of the proposed project, therefore, would generate increase in water contaminants that could be carried downstream in stormwater runoff from paved surfaces on the site.

According to the Hydromodification Management Plan map, the project site is located within a subwatershed that is less than 90 percent builtout. Projects within this area are required to implement hydromodification measures per Policy 8-14. Future development on the project site would be required to provide hydromodification control measures through the use of appropriate site design, source control, and treatment control measures with flow control benefits to the maximum extent practicable, and where available, use off-site and/or in-stream controls. Future development may use small scale, distributed stormwater management techniques such as bioretention facilities, infiltration trenches, filter strips, vegetated swales, and multi-functional landscape areas to achieve treatment and flow reduction.

Future development resulting from the proposed GPA shall comply with applicable City policies, City Policy 8-14, and other applicable regulations including those listed previously. For this reasons, future development resulting from the proposed GPA would result in less than significant post-construction water quality impacts.

4.8.3 Conclusion

Future development on the project site, in conformance with applicable General Plan goals and policies, Policy 6-29, Policy 8-14, and with the implementation of the mitigation measure identified in **Sections 4.16 Utilities and Service Systems** and **4.4 Biological Resources**, would not result in significant hydrology or water quality impacts. **(Less Than Significant Impact)**

Project-Level Mitigation Measure to be Considered at the Time of Future Development

Construction-Related Impacts

- Prior to construction of future development, the City should require the applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) and a Notice of Intent (NOI to the State of California Water Resource Quality Control Board to control the discharge of storm water pollutants including sediments associated with construction activities. Along with these documents, the applicant may also be required to prepare an Erosion Control Plan. The Erosion Control Plan may include Best Management Practices (BMPs) as specified in the California Storm Water Best Management Practice Handbook (such as silt fences/straw waddles around the perimeter of the site, regular street cleaning, and inlet protection) for reducing impacts on the City's storm drainage system from construction activities. The SWPPP shall include control measures during the construction period for:
  - Soil stabilization practices,
  - Sediment control practices,
  - Sediment tracking control practices,
  - Wind erosion control practices, and
  - Non-storm water management and waste management and disposal control practices.

- Prior to issuance of a grading permit, the applicant for future development on-site should be required to submit copies of the NOI and Erosion Control Plan (if required) to the City Project Engineer, Department of Public Works. The applicant should also be required to maintain a copy of the most current SWPPP on-site and provide a copy to any City representative or inspector on demand.

- Each phase of future development on-site should comply with the City of San José Grading Ordinance, including erosion- and dust-control during site preparation, and with the City of San José Zoning Ordinance requirement for keeping adjacent streets free of dirt and mud during construction.

Post-Construction Water Quality Impact

- Any future development project should comply with the NPDES permit issued to the City of San José and other co-permittees of the SCVURPPP, and with the provisions of the City's Post-Construction Urban Runoff Management Policy, which require the inclusion in the site design of pollutant source control and stormwater treatment control measures to the maximum extent practicable. At the Planned Development permit stage, the applicant shall submit plans for BMPs and numerically sized TCMs including or such as, but not limited to the following:

- Vegetated swales and flow-through areas;
- Bioretention areas or basins;
- Disconnected downspouts that are directed into landscape areas;
- Minimization of impervious surfaces and increased use of permeable pavement;
- Location of all storm drain inlets to be stenciled with, "No Dumping! Flows to Bay;" and
- Location and design of trash enclosures (all shall be covered) and materials handling areas.

- The future development project should comply with Provision C.3 of NPDES permit Number CAS0299718, which provides enhanced performance standards for the management of stormwater for new development.

- The future development project should comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which establishes general guidelines and minimum BMPs for specific land uses and numerically sized (or hydraulically sized) TCMs.

4.9 LAND USE AND PLANNING

4.9.1 Introduction and Regulatory Framework

4.9.1.1 *Greenline/Urban Growth Boundary*

The Greenline/Urban Growth Boundary (UGB) is intended to be the ultimate limit to urbanization within which all future urban development in San José should occur and is designed to encourage compact, efficient infill development and discourage more costly development at the end of the City. The UGB also helps to ensure that urban service demands of new urban development at the City's fringe (Municipal Code 18.30.100).

To qualify for a minor modification, the project must be (1) no larger than five acres in size unless the proposal would further the goals of the UGB by creating a permanent open space buffer or other clear limit to future urban development in the vicinity; (2) located below the 15 percent slope line, as defined in the general plan; and (3) contiguous to lands with an urban land use designation on the City's General Plan land use/transportation diagram (Municipal Code 18.30.220).

4.9.1.2 *Local Agency Formation Commission Policies Relative to Annexation/Reorganizations for Cities and Special Districts*

The Local Agency Formation Commission (LAFCO) implements policies related to the efficient growth and development of urban areas and the preservation of open space and agricultural uses. LAFCO's policies regarding annexation and reorganization of cities and special districts are intended to encourage urban development within cities rather than unincorporated land before annexing fringe areas, logical and reasonable annexations and reorganizations, annexation of unincorporated islands, exchange of territory between cities to improve illogical boundary or service situations, and governmental efficiency by reducing overlaps of service provisions.

The LAFCO Commission encourages city processing of annexations and reorganizations within Urban Service Areas without LAFCO review. Pursuant to Government Code Section 56757, reorganizations within a city's urban service area may be approved by city councils without LAFCO review if the proposal meets certain conditions.

Applicable LAFCO's policies on annexation are outlined below.

1. LAFCO will strongly discourage city annexations of land outside Urban Service Areas until inclusion into the Urban Service Area is appropriate. However, the Commission recognizes that in some circumstances, city annexations outside Urban Service Areas will help promote preservation of agriculture, open space, and/or greenbelts. Such cases will be considered on their merits on a case-by-case basis. LAFCO will reconsider allowance of exceptions if it appears a pattern of such requests is developing.

2. Proponents must clearly demonstrate that the city or special district is capable of meeting the need for services.

3. Boundaries of proposals must be definite and certain, and split lines of assessment must be avoided wherever possible.

4. The boundaries of a proposed annexation or reorganization must not create or result in areas that are difficult to serve.

5. Pre-zoning is a requirement for city annexation. Where territory is pre-zoned agricultural, but has an urban use designation on the city's general plan, the applicant will be required to demonstrate why such an annexation is not in violation of the Cortese-Knox Local Government Reorganization Act, which requires LAFCO to: a.) Steer growth away from agricultural areas; and b.) Determine that annexation and development of land for non-agricultural purposes is not premature.

6. No subsequent change may be made to the general plan or the zoning of the annexed territory that is not in conformance to the pre-zoning designations for a period of two years after the completion of the annexation unless the city council makes a finding at a public hearing that a substantial change has occurred in the circumstances that necessitate the change.

7. All applications for annexations where pre-zoning indicates that land development could cause the number of vehicle trips per day to exceed 2,000, shall be sent by the LAFCO Executive Officer to the Congestion Management Agency with the Valley Transportation Authority for comment as to impact on regional transportation facilities and services.

8. Where service providers other than the reorganizing agencies may be substantively impacted by a proposed reorganization, LAFCO shall request comments on the proposal from the affected service providers. Comments received will be a factor considered in reviewing the proposal.

9. Concurrent detachment of territory from special districts which will no longer provide service is a required condition of city annexation.

10. LAFCO will consider the applicable service reviews and discourage changes in organization that undermine adopted service review determinations or recommendations.

4.9.1.2 *City of San José General Plan*

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the land use policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Greenline/Urban Growth Boundary Policy 1: No urban development should extend outside the Greenline/Urban Growth Boundary which separates those lands planned and reserved for urban uses from those that should remain rural in character.

- Greenline/Urban Growth Boundary Policy 2: The Greenline/Urban Growth Boundary should contain within it those lands suitable and appropriate for urban purposes including all Urban Service Area lands, the City's Urban Reserves, and certain land located below the 15 percent slope line and deemed potentially suitable for future urban development.

- Urban Service Area Policy 2: The Urban Service Area should be expanded only when it can be demonstrated that existing facilities and services are available and adequate to serve the proposed expansion area.

- Urban Service Area Policy 4: Development which is of a relatively small scale and which requires urban services may be approved outside the Urban Service Area under Planned Development Zoning if it conforms to various criteria regarding proximity to existing or committed development, availability of public services, and urban land use designation.

- Urban Service Area Policy 5: Territory outside the Urban Service Area may be annexed to the City if its intended use will require minimal or no services and either the intended use contributes to providing services to development in the City or the annexation is necessary or desirable for the implementation of General Plan non-urban land use goals and policies.

- Hillside Development Policy 1: Regardless of the maximum potential residential densities designated by the Land Use/Transportation Diagram for land with a slope of seven percent or greater, the City should only allow the development of these lands at densities consistent with the City's objectives of minimizing exposure to environmental hazards, maximizing resource conservation, and achieving compatibility with existing land use patterns.

- Urban Conservation Policy 2: The City should encourage new development which enhances the desirable qualities of the community and existing neighborhoods.

- Rental Housing Supply Policy 20: To promote the production of rental housing, the Discretionary Alternate Use policies provide for the approval of rental housing projects at densities other than that shown on the Land Use/Transportation Diagram.

- Community Identity Policy 1: The City should encourage the development of compact, cohesive pattern of urbanization with definite, identifiable boundaries that readily create a sense of community identity.

- Residential Land Use Goal 2: Ensure that lands planned for residential use are fully and efficiently utilized to maximize the City's housing supply.

- Residential Land Use Policy 1: Residential development at urban densities (one dwelling unit per acre or greater) should be located only where adequate services and facilities can be feasibly provided.

- Residential Land Use Policy 5: Residential development should be allowed in areas with identified hazards to human habitation only if these hazards are adequately mitigated.

- Residential Land Use Policy 24: New residential development should create a pedestrian friendly environment by connecting the features of the development with safe, convenient, accessible, and pleasant pedestrian facilities. Such connections should also be made between the new development, the adjoining neighborhood, transit access points, and nearby commercial areas.

- Hillside Development Policy 1: Regardless of the maximum potential residential densities designated by the Land Use/Transportation Diagram for land with a slope of seven percent or

greater, the City should only allow the development of these lands at densities consistent with the City's objectives of minimizing exposure to environmental hazards, maximizing resource conservation, and achieving compatibility with existing land use patterns.

- Hillside Development Policy 2: Clustering of residential development in hillside areas should be encouraged to minimize the exposure of development to environmental hazards and maximize the preservation of natural resources in the hillsides.

- Hillside Development Policy 3: Hillside residential development at urban densities (one dwelling unit per acre or more) should be located only where adequate services and facilities can be feasibly provided and damage to such services and facilities, due to landslides, fire or other environmental hazards, can be reasonably avoided.

- Hillside Development Policy 8: Construction techniques and housing types adaptable to a variable terrain, such as cluster housing, split pads and stepped foundations, should be utilized on sloped sites. Conventional, single flat-pad construction is discouraged.

- Hillside Development Policy 13: Development should only be permitted in hillside areas if potential danger to the health, safety, and welfare of the residents, due to landslides, fire, or other environmental hazards, can be mitigated to an acceptable level.

- Balanced Community Policy 1: The City should foster development patterns which will achieve a whole and complete community in San José, particularly with respect to improving the balance between jobs and economic development on the one hand, and housing resources and a resident work force on the other.

- Balanced Community Policy 2: Varied residential densities, housing types, styles, and tenure opportunities should be equitably and appropriately distributed through the community and integrated with the transportation system, including roads, and bicycle and pedestrian facilities. Higher densities are encouraged near passenger rail lines and other major transportation facilities to support the use of public transportation.

- Energy Policy 1: The City should promote development in areas served by public transit and other existing services. Higher residential densities should be encouraged to locate in areas served by primary public transit routes and close to major employment areas.

4.9.2 Setting

4.9.2.1 *Existing Land Use*

The 3.24-acre project site is the southern portion of a 5.8-acre parcel (APN 678-13-012) in an unincorporated southeast portion of San José. The site is located at the northeast quadrant of the Piercy Road and Tennant Avenue intersection in an unincorporated area of San José. The land immediately east, south, and west is within the incorporated City of San José.

Currently, the project site is designated as *Rural Residential* (0.2 du/ac) in the City of San José General Plan Land Use/Transportation Diagram. The site is zoned *Hillside* in the County of Santa Clara. The *Rural Residential* designation is typified by single-family dwellings on lots averaging

five acres in size. However, the project site is located outside of the City's Greenline/Urban Service Area Boundary (refer to Figure 4.0-2).

The project site is undeveloped and consists of seasonal grasses and shrubs. The project site is occasionally used for horse grazing. A segment of the SCVWD's Evergreen Canal (non-functional and abandoned) forms the northern boundary of the project site (refer to **Section 4.8 Hydrology and Water Quality**).

4.9.2.2 *Surrounding Land Uses*

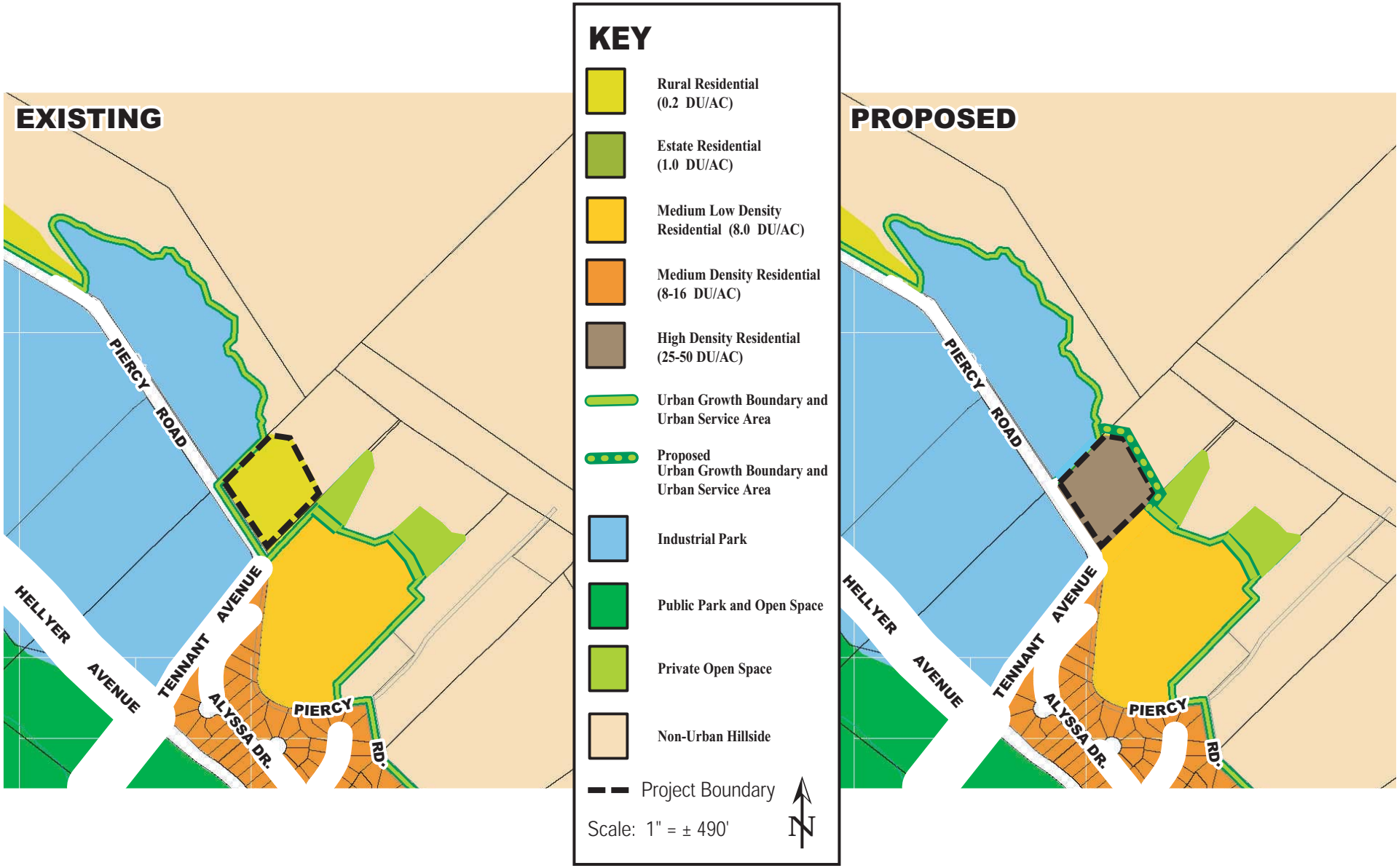
The surrounding land uses include undeveloped hillside to the north, residential uses to the southeast, undeveloped land currently occupied by construction trailers to the southwest, and a horse stable to the northwest. An aerial photograph showing the surrounding land uses is provided as Figure 2.0-3. As shown in Figure 4.0-2, the adjacent properties to the southeast, south, and southwest of the project site are within the Greenline/Urban Growth Boundary.

4.9.3 Environmental Checklist and Discussion of Impacts

LAND USE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Physically divide an established community?	☐	☐	☒	☐	☐	1
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐	☐	1,2,4
3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐	☐	1

4.9.3.1 *Extension of Greenline/Urban Growth Boundary*

The project proposes to extend the Greenline/Urban Growth Boundary. The City's Greenline/Urban Growth Boundary is a strategy to define the ultimate perimeter of urbanization in San José. The Greenline/Urban Growth Boundary is intended to develop a clearer identity for San José by defining where the City begins and ends and to preserve valuable open space resources. Lands outside of the Greenline/Urban Growth Boundary are identified as those that are intended to remain permanently rural in character and should remain under the jurisdiction of the County of Santa Clara.



LAND USES & GREENLINE/URBAN GROWTH BOUNDARY

FIGURE 4.0-2

The key elements of the Greenline/Urban Growth Boundary are the hillsides, the baylands, and the rural/agricultural area in the south Coyote Valley. These multiple-use lands are all valuable and productive but not for urbanization. The hillsides are the most extensive and visually prominent feature addressed as part of the Greenline/Urban Growth Boundary Strategy. The Greenline/Urban Growth Boundary Strategy seeks to prevent urban development in hazardous areas especially those areas with significant exposure to geologic or fire hazards.

The project site is located below the 15 percent slope line and the adjacent properties to the southeast, south, and southwest are within the urban service area. Based on the on-site geologic constraints discussed in **Sections 3.0 Project Description** and **4.6 Geology and Soils**, the development of habitable structures would be limited to Area A on Figure 3.0-1. In the future, if additional geological explorations determine that Area B on Figure 3.0-1 is suitable for habitable structures, it can also be developed with habitable structures. The implementation of the proposed project (in conformance with applicable General Plan policies and land use restrictions identified in **Sections 3.0 Project Description** and **4.6 Geology and Soils**, and with the implementation of standard engineering practices identified in **Section 4.6 Geology and Soils)** would not result in significant geologic impacts or expose future residents to significant geologic hazards.

The proposed project could qualify for a minor modification to the City's Greenline/Urban Growth Boundary because the project site is 3.24 acres in size, located below the 15 percent slope line, and contiguous to lands with an urban land use designation on the City's General Plan land use/transportation diagram (refer to Figure 4.0-2). However, while the properties northwest, west, and southwest of the site are designated for urban uses in the City's General Plan, they are currently undeveloped. The project site area is currently not built out. For these reasons, the City believes that the proposed project is somewhat consistent with the intent of the City's Greenline/Urban Growth Boundary Strategy.

4.9.3.2 *Annexation*

A discussion of the project's consistency with applicable LAFCO Annexation/ Reorganization Policies is provided below.

The project proposes the annexation of a 3.24-acre site located in an unincorporated pocket of Santa Clara County into the City of San José. Annexation of the project site would be done at the prezoning stage. Properties to the southeast, south, and southwest of the project site are within the urban service area and served by the City of San José. Adjacent land to the northwest of the site is not within the urban service area, but is within the urban growth boundary. The act of annexing the project site into the City would not result in environmental impacts. The project proposes to modify the City's Greenline/Urban Growth Boundary to include the project site and expand the USA to include the project site. As discussed in **Section 4.16 Utilities and Service Systems**, existing water and electricity services and facilities have sufficient capacity to serve the proposed project. Future development would be required to construct sewer and storm drain improvements to serve the project site (refer to **Section 4.16 Utilities and Service Systems**).

The site is currently zoned *Hillside* in the Santa Clara County Zoning Map. If the proposed extension of the Urban Service Area is approved, the zoning on the site will be *Unincorporated*. When a specific development project is proposed for the project site, the pre-zoning will be determined.

As discussed in **Sections 4.3 Air Quality** and **4.15 Transportation**, the implementation of the proposed project would generate up to approximately 960 average daily trips,[10] which is below LAFCO's threshold of 2,000 average daily trips that would require analysis of regional transportation impacts; therefore, the proposed development project does not require a regional transportation analysis.

For the above reasons, the proposed project would be consistent with LAFCO's policies for annexation.

4.9.3.3 *General Plan Conformance*

The project proposes a GPA to change the land use designation on the site. For this reason, the proposed project is not in conformance with the existing General Plan land use designation. The General Plan includes an Urban Conservation/Preservation Strategy and Greenline/Urban Growth Boundary Strategy that are applicable to this project.

The Urban Conservation/Preservation Strategy states that the City shall strive to maintain adequate levels of service for existing neighborhoods by avoiding development at the fringe of the City which could divert services. As discussed in **Section 4.16 Utilities and Service Systems**, Great Oaks Water Company has sufficient water supply and capacity to provide water to future development on the project site. However, future development would need to construct sewer and storm drain system improvements to serve future development on the site. The construction of the sewer and storm drain improvements would not substantially impact the sewer or storm drain level of service for the existing neighborhoods or divert services from other areas in the City. The project, therefore, would be consistent with the City's Urban Conservation/Preservation Strategy. As discussed above, the proposed project is somewhat consistent with the City's Greenline/Urban Growth Boundary.

4.9.3.4 *Other*

Currently, the project site is not part of a Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP). As discussed in **Section 4.4 Biological Resources**, the site is planned to be within the jurisdiction of a future HCP once adopted. However, since the future development would not adversely affect natural communities it would not impede the implementation of the HCP.

As identified in the Berryessa Road General Plan Amendment Draft EIR (January 2008), the cumulative projects result in a cumulative land use impact by substantially decreasing the amount of available industrial land (including light industrial land) to non-industrial uses. The project proposes to convert land designated as *Rural Residential* to *High Density Residential*. The proposed project would not result in the direct conversion of industrial land to non-industrial uses; however, the approval of the proposed GPA could trigger the conversion of the parcels southwest of the project site (APN 678-08-045 and 678-08-055, Figure 4.0-1) from industrial use to residential use. For this reason, the project could have an indirect contribution to the cumulative land use impact of converting industrial land in the City to non-industrial uses.

[10] The maximum amount of residential units allowed on-site by the proposed GPA would be between 64 and 128 residential units, assuming Area B is found to be suitable for habitable structures. Future development of between 64 and 128 residential units on-site would generate between approximately 480 and 960 average daily trips. Therefore, the estimated maximum number of average daily trips is 960.

4.9.4 Conclusion

The implementation of the proposed GPA, in conformance with applicable General Plan policies and conservation plans (as appropriate), would not result in significant land use impacts. **(Less Than Significant Impact)**

4.10 MINERAL RESOURCES

4.10.1 Setting

Extractive resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. Pursuant to the mandate of the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials.

The project site is located at the northeastern quadrant of Piercy Road and Tennant Avenue in an unincorporated area of San José and is not located within any designated mineral deposit area of regional significance. In addition, mineral exploration is not performed on the project site and the site does not contain any known mineral resources.

4.10.2 Environmental Checklist and Discussion of Impacts

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1

As discussed above, the project is not located within a designated area containing mineral deposits of regional significance and would not result in the loss of availability of a known mineral resource. The proposed project, therefore, would not result in impacts to mineral resources.

4.10.3 Conclusion

The proposed project would not result in any impacts from the loss of availability of known mineral resources. **(No Impact)**

4.11 NOISE

4.11.1 Introduction and Applicable Standards and Policies

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the "A-weighted" decibel or dBA. Further, sound is averaged over time and penalties are added to the average for noise that is generated during times that may be more disturbing to sensitive uses such as early morning, or late evening.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods such as L_{eq}, DNL, or CNEL.[11] Using one of these descriptors is a way for a location's overall noise exposure to be measured, realizing of course that there are specific moments when noise levels are higher (e.g., when a jet is taking off from Norman Y. Mineta San José International Airport or a leafblower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on US 101 or in the middle of the night). For this report, the DNL will be used as it is consistent with the guidelines for the State of California and the City of San José.

4.11.1.1 *State of California – Title 24*

The State of California Title 24, Part 2 of the Administrative Code, requires that new multi-family housing in California be constructed such that the interior DNL does not exceed 45 dB. Where exterior noise levels exceed a DNL of 60 dB, a report must be submitted with the building plans describing the noise control measures which have been incorporated in the design to meet the interior noise level requirements. Title 24 also requires minimum sound transmission ratings for common interior partitions separating dwelling units from each other and dwelling units from common spaces.

4.11.1.2 *City of San José General Plan*

The City of San José's General Plan contains goals and policies which pertain to desired noise levels for various land uses located within the City. These policies and goals are expressed in terms of the DNL. The General Plan cites long-term and short-term exterior DNL goals for residential uses of 55 dBA and 60 dBA, respectively. Outdoor uses on sites where the DNL is above 60 dBA should be limited to acoustically protected areas.

The General Plan also distinguishes between noise from transportation sources and noise from non-transportation (i.e., stationary) sources. The short-term exterior noise goal is 60 dBA DNL for

[11] L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. DNL stands for Day-Night Level and is a 24-hour average of noise levels, with 10 dB penalties applied to noise occurring between 10:00 PM and 7:00 AM. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five (5) dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two (2) dBA of the peak-hour L_{eq}.

transportation sources. For stationary sources, the exterior noise goal is 55 dBA DNL at the property line between sensitive land uses (e.g., residences, schools, libraries, hospitals, etc.) and non-sensitive land uses (e.g., industrial, commercial, etc.).

The above noise goals notwithstanding, the San José General Plan specifically recognizes that these goals may not be achieved within the timeframe of the General Plan at certain areas of the City, which are affected by noise from aircraft and major roadway traffic. These areas include: 1) the Downtown Core Area, 2) the area around Norman Y. Mineta San José International Airport (SJIA), and 3) areas adjacent to major roadways.

All future development resulting from the proposed land use designation shall be subject to the noise policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Noise Policy 1: The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. To achieve the noise objectives, the City should require appropriate site and building design, building construction, and noise attenuation techniques in new residential development.

- Urban Design Policy 18: To the extent feasible, sound attenuation for development along City streets should be accomplished through the use of landscaping, setback, and building design rather than the use of sound attenuation walls. Where sound attenuation walls are deemed necessary, landscaping, and an aesthetically pleasing design shall be used to minimize visual impact.

- Noise Policy 9: Construction operations should use available noise suppression devices and techniques.

4.11.2 Setting

The project site is located at the northeast quadrant of the Piercy Road and Tennant Avenue intersection. The surrounding land uses include undeveloped hillside to the north, residential uses to the southeast, undeveloped land currently occupied by construction trailers to the southwest, and a horse stable to the northwest. The primary noise source in the project area is vehicular traffic on nearby roadways. Noise in the project area ranges from 50 to 69 dBA DNL.[12]

[12] Sources: 1) City of San José noise contours. 2) City of San José. Edenvale Redevelopment Project Environmental Impact Report. March 2000.

4.11.3 Environmental Checklist and Discussion of Impacts

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	☐	1
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒	☐	1
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐	1
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐	1
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1
1) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1

While CEQA does not specifically define what noise level increase is considered significant, generally in high noise environments, a project is considered to have a significant impact if the project would substantially and permanently increase existing noise levels by more than three (3) dBA (which is the minimum increase generally perceptible by the human ear) or would cause noise levels to exceed established City guidelines. Where the existing noise level is lower, a somewhat higher increase (i.e., five dBA) can be tolerated before the impact is considered significant.

4.11.3.1 *Noise Exposure Impacts to the Project*

As discussed previously, the project site is within a 65 to 69 dBA DNL noise contour. The existing noise levels at the site exceed the City's exterior and interior noise goals. However, it is anticipated that future development can be designed and mitigated to meet the City's exterior and interior noise goals and standards.

Future development resulting from the proposed GPA shall comply with applicable City General Plan policies, including those listed previously, and Title 24; and therefore, result in less than significant exterior and interior noise impacts.

4.11.3.2 *Noise Impacts From the Project*

Project-Generated Traffic

As discussed in **Section 4.15 Transportation**, implementation of the proposed project would generate up to approximately 960 average daily trips.[13] For traffic noise to increase noticeably (minimum of three dB increase), existing traffic volumes typically must double. While the proposed project would slightly increase traffic volumes on roadways and arterials in the project area (i.e., Piercy Road and Tennant Avenue), it is not anticipated that the traffic volumes on roadways would double on any roadway in the vicinity as a result of traffic generated from future development. Given the location of the site, the project would not add traffic to residential neighborhood streets. For this reason, the noise increase from project-generated traffic is not considered significant.

Future Short-Term Construction Noise

It is anticipated that during the construction of the proposed project, the highest noise levels would be generated by grading and paving equipment. Maximum noise levels could reach 85 dBA at nearby houses for short periods of time when construction equipment is close. Construction equipment would be located in proximity to the residences to the northeast and horse stable located to the west for short periods of time. Due to the proximity of the sensitive receptors, the noise from construction would be a significant impact.

Future development resulting from the proposed GPA shall comply with applicable City General Plan policies, including those listed previously, and therefore, result in less than significant construction-related noise impacts.

Cumulative Construction-Related Noise Impacts

Although no applications are on file at the City, it is anticipated that the applicant will submit applications to change the land use designation and zoning on two parcels located to the southwest of the project site (APNs 678-08-045 and 678-08-055), on the south side of Piercy Road, to allow for the development of high density residential uses (refer to Figure 4.0-1). If development on the project site and these two parcels occurs in the same time frame, cumulative short-term construction related impacts may occur. Each project, however, would be required to implement the City's

[13] The maximum amount of residential units allowed on-site by the proposed GPA would be between 64 and 128 residential units, assuming Area B is found to be suitable for habitable structures. Future development of between 64 and 128 residential units on-site would generate between approximately 480 and 960 average daily trips. Therefore, the estimated maximum number of average daily trips is 960.

standard construction noise reduction measures as listed above to reduce cumulative short-term construction related impacts to less than significant levels.

4.11.3 Conclusion

Future development resulting from the proposed GPA, in conformance with applicable City General Plan policies and Title 24, would not result in significant noise impacts. **(Less Than Significant Impact)**

Project-Level Mitigation Measures to be Considered at the Time of Future Development

Noise Exposure Impacts to the Project

- Any future development proposal on-site should complete an environmental noise assessment to ensure that future development meets City noise goals for exterior and interior noise levels prior to zoning approval.

Short-Term Construction Noise

- Future noise-generating construction activities should be limited to the hours between 7:00 AM and 7:00 PM Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building, and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

- Contractors for future development should use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project should be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.

- Future development staging areas should be located a minimum of 200 feet from noise sensitive receptors including the residential uses to the east of the site.

4.12 POPULATION AND HOUSING

4.12.1 Introduction

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating population and housing impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the population and housing policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Housing Policy 1: The City encourages a variety and mix in housing types to provide adequate choices for housing to persons of all income levels in San José.

4.12.2 Setting

According to the Association of Bay Area Governments (ABAG) *Projections 2007: Forecasts for the San Francisco Bay Area to the Year 2030*, within the City of San José's Sphere of Influence the population in 2030 is projected to be 1,336,400 and the total number of households was projected to be 422,720, with an average of 3.20 persons per household.

Historically, San José has had a shortage of jobs compared to the number of employed residents living in the City, commonly referred to as a jobs/housing imbalance. A jobs/housing imbalance, especially when there is a relative deficit of jobs, can be problematic because it results in longer commutes as City residents travel to other locales for employment. This same imbalance might result in financial hardships for a city due to the costs associated with providing services to residential land uses in relation to revenue generated.

In recent years, consistent with the major strategies and objectives of the adopted General Plan, the City has been attempting to correct this imbalance. As of 2005, the City had 0.90 jobs per employed resident.[14] Future buildout of the General Plan is anticipated to result in approximately 1.13 jobs per employed resident. The City has recently adopted some General Plan policies that allow for increased job and housing growth that would, if implemented, improve the overall jobs/housing imbalance. Currently, the site is undeveloped and there is no housing on the project site.

4.12.3 Environmental Checklist and Discussion of Impacts

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 1) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐	☐	1

[14] Association of Bay Area Governments. *Projections 2007*. December 2006.

POPULATION AND HOUSING						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1
1) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1

Socio-economic impacts are not considered environmental impacts, as defined by CEQA Guidelines Section 15131. The physical impacts, however, associated with the relationship between employment and housing include traffic, noise, and air quality impacts. These issues are discussed within their respective sections of this report.

The proposed project includes the extension of the Greenline/Urban Growth Boundary, expansion of the USA, and a GPA to change the land use designation from *Rural Residential* (0.2 du/ac) to *High Density Residential* (25 to 50 du/ac).[15] Based on the existing geologic constraints on the site, a maximum of 2.56 acres (Areas A and B) of the project site could be developed with habitable structures. Therefore, implementation of the proposed GPA would result in the maximum development of between 64 and 128 new residential units on-site.[16]

The project would add new residential population to the City beyond that anticipated in the current General Plan. However, the development of up to 128 future residential units would not displace existing housing or people. While the project would incrementally increase the number of housing units in a city that already has more housing than jobs within its boundaries, this is not considered a significant environmental impact because the increase in number of proposed residential units is minimal. In addition, the proximity of future housing to jobs within the Edenvale area would provide opportunities for employed residents of the project to live close to their place of work and possibly reduce their commutes. For these reasons, the project would not result in a significant impact on San José's jobs/housing imbalance.

As discussed in **Section 4.9 Land Use**, the proposed extension would not be a substantial change and will not induce substantial growth because the adjacent properties east and south are already within the urban service area. The adjacent land north of the site is above the 15 percent slope line, therefore, should not be developed in the future based on the City's Greenline/Urban Growth Boundary goals and policies.

[15] The project also proposes to be annexed into the City of San José, which would be completed at the prezoning stage.

[16] If subsequent geological investigations of Area B locate a fault trace or other geologic hazard that renders Area B unsuitable for habitable structures, the maximum amount of land suitable for habitable structures (2.56 acres) would decrease. However, to be conservative, this Initial Study evaluates the maximum allowable development of between 64 and 128 residential units on-site.

4.12.2.1 *Cumulative Population and Housing Impacts*

The approval of the proposed project could induce growth in the project area. Although no applications are on file at the City, it is anticipated that the applicant will submit applications to change the land use designation and zoning on two parcels located to the southwest of the project site, on the south side of Piercy Road, to develop high density residential uses (APN 678-08-045 and 678-08-055) (refer to Figure 4.0-1). These sites total approximately 16.8 acres. The redesignation of these lands from *Industrial Park* to *High Density Residential* (25-50 du/ac) would result in the loss of potential jobs and the addition of between 420 and 840 residential units.

Future residential development on the project site and the two nearby parcels would result in the loss of potential industrial jobs on the two nearby parcels and the addition of a total of up to between 484 and 968 residential units (assuming Areas A and B of the project site are suitable for habitable structures). The development of between 484 to 968 residential units, however, would not significantly impact the City's jobs/housing ratio. The development of these three parcels would not likely reduce the City's projected future jobs/housing ratio to below one job per employed resident. For these reasons, the proposed project would not result in significant cumulative population and housing impacts.

4.12.3 Conclusion

Future development resulting from the proposed GPA, in conformance with applicable City General Plan policies, would not result in significant population or housing impacts. **(Less Than Significant Impact)**

4.13 PUBLIC SERVICES

4.13.1 Introduction

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating public services impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the public services policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Fire Hazards Policy 5: Anticipated fire response times and fire flows should be taken into consideration as part of the Development Review process.

- Fire Hazards Policy 6: New development should provide adequate access for emergency vehicles, particularly fire fighting equipment, as well as provide secure evacuation routes for the inhabitants of the area.

- Level of Service, Other Services, Policy 16: Utilize the following Citywide level of service measures as benchmarks to be used to evaluate major General Plan land use and policy changes, such as expansions of the Urban Service Area or land use changes from non-residential to residential:
  - For police protection, achieve a response time of six minutes or less for 60 percent of all Priority 1 calls, achieve a response time of 11 minutes or less for 60 percent of all Priority 2 calls.
  - For fire protection, a four-minute average response time to all calls.
  - For parks and recreation: 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum of 1.5 acres of neighborhood, community, or locally serving regional/City-wide park lands and up to two acres of school playgrounds, and all of which is located within a reasonable walking distance of the project; 7.5 acres of regional/City-wide park lands per 1,000 population; and 500 square feet of community center floor area per 1,000 population.

- Parks and Recreation Policy 1: The City should consider as an objective the provision of neighborhood or community park within reasonable walking distance for each resident. That portion of a Citywide or regional park, which provides recreational accessibility for nearby residents in the same manner as a neighborhood or community park should be considered as meeting this objective.

- Parks and Recreation Policy 2: Public parks, open space lands, and other similar public areas should be located, oriented, and designed in such a way as to facilitate their security and policing.

- Parks and Recreation Policy 3: Through the development review process, private open space and recreation facilities should be encouraged in high density residential projects, mixed use projects and major employment complexes in the vicinity of major transit corridors in order to meet a portion of the open space and recreation needs of residents, employees, and visitors that will be generated by the development.

- Parks and Recreation Policy 4: The City should accept open space land dedications only when public ownership will preserve the natural and scenic beauty, protect natural and man-made landmarks, or provide a land supply to meet future recreational needs.

- Parks and Recreation Policy 5: The development of public and private recreational uses in rural and hillside areas should be low intensity and sensitive to geologic hazards, water resources, natural habitats, and visual impacts, consistent with allowed densities and development standards for residential and other uses.

- Parks and Recreation Policy 6: In the design and maintenance of parks, consideration should be given to impacts on wildlife.

- Parks and Recreation Policy 16: The City should facilitate the creation and improvement of neighborhood and community parks by using the *Parkland Dedication Ordinance*, the *Parallel Impact Fee Ordinance*, and the *Construction and Conveyance Tax*.

- Parks and Recreation Policy 18: In the planning of future park expenditures, the provision of new park and recreation facilities and improvements in park deficient areas should be considered a top priority.

In addition to the City's General Plan policies, Future development resulting from the proposed land use designation shall be required to comply with the following:

- In accordance with Government Code 65996, the future developer shall pay a school impact fee to offset the increased demands on school facilities caused by the proposed project.

- City's Park Impact Ordinance (PIO) and/or Park Dedication Ordinance (PDO) requirements.

4.13.2 Setting

4.13.1.1 *Fire Service*

Fire protection to the project site is provided by the San Jose Fire Department (SJFD), which serves a total area of 205 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. The City's General Plan includes a goal of respond to fire emergencies within an average of four minutes.

In addition to the City's response time goal of four minutes, the SJFD has standard travel and reflex time goals (refer to Table 4.0-2). SJFD employs two standards to measure service performance: travel time and total reflex time. Travel time is a measure of the period of time when a responding emergency fire apparatus leaves the fire station until it arrives at the scene of the emergency. Total reflex time refers to the amount of time that passes from receipt of the emergency call by the Emergency Communications Dispatching Center to the arrival of the responding unit to the emergency scene.

As shown in Table 4.0-2, it is the SJFD's goal not to exceed four minutes in travel time for the "first response" engine and six minutes in travel time for the "second response" engine. In addition, the SJFD's travel time goal for the "first response" truck is six minutes.

Table 4.0-2
SJFD Travel and Total Reflex Time Goals

Unit	Travel Time Goal (min)	Total Reflex Time Goal (min)
1st Engine	4	8
2nd Engine	6	10
1st Truck/USAR	6	10

Note: Response and reflex times are for fires in buildings of less than four stories.
Source: Standards for Travel Times and Total Reflex Times for Fires in Buildings of Less Than 4 Stories. Table. Bureau of Support Services. 17 November 2003.

Station No. 27, which is located at 6027 San Ignacio Road, approximately 1.5 miles south of the project site, would be the first response unit to the site. Station No. 27 is an engine company. Station No. 18, located at 4430 South Monterey Road, approximately 4.5 miles northwest of the project site, would be the second response unit to the site. Station No. 18 is a truck company.

A new station is planned at Cottle Road and Poughkeepsie Road, approximately 2.8 miles west of the project site. This station, Station No. 35, is currently being constructed and anticipated to open in September 2007. Station 35 will house a truck company with an engine.

4.13.1.2 *Police Service*

Police protection is provided to the project site by the City of San Jose Police Department (SJPD). Officers patrolling the project area are dispatched from police headquarters, located at 201 West Mission Street. The SJPD presently consists of approximately 1,362 sworn officers and operates 436 marked police cars.[17] The response time goal for police protection is six minutes or less for 60 percent of all emergency calls and eleven minutes or less for 60 percent of non-emergency calls.

4.13.1.3 *Schools*

The project site is located within the Oak Grove Elementary School District and the East Side Union High School District. Students in the project area likely attend Rita Ledesma Elementary School located at 1001 Schoolhouse Road (approximately one mile south of the project site), Bernal Middle School located at 6610 San Ignacio Avenue (approximately 1.6 miles southwest of the site), and Oak Grove High School located at 285 Blossom Hill Road (approximately 3.5 miles west of the project site).

4.13.1.4 *Parks*

The City of San Jose provides parklands, open space, and community facilities for public recreation and community services. Some of these facilities are provided in conjunction with or are supplemented by other public uses such as schools, county parks, and land uses for flood control purposes. Parks and recreation facilities vary in size, use, type of service, and provide for city

[17] Phillips, Gene. San José Police Department. Personal communication. May 6, 2004.

regional, and neighborhood uses. The City Department of Parks, Recreation and Neighborhood Services is responsible for the construction, operation, and maintenance of all City park and recreation facilities.

The City has a goal of providing 3.5 acres of neighborhood and community serving recreational lands per 1,000 population. The City of San Jose has a *Parkland Impact Ordinance* (PIO) (Municipal Code Chapter 19.38) and a *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 14.25), which require that new residential development either dedicate sufficient space to serve new residents, or pay fees calculated to offset the increased costs of providing new park facilities for new development.

The closest park to the project site is Basking Ridge Park (two acres in size), located on Chelsea Crossing near Schoolhouse Road, approximately one mile southeast of the project site.

4.13.1.5 *Other Public Services*

The nearest public library to the project site is the Santa Teresa branch, located approximately three miles from the project site at 290 International Circle. The library offers public access to reference materials, books, and 10 computer stations.

The Southside Community Center is the nearest community center to the project site. It is located approximately three miles west of the project site at 5585 Cottle Road.

4.13.2 Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:						
Fire Protection?	☐	☐	☒	☐	☐	1
Police Protection?	☐	☐	☒	☐	☐	1
Schools?	☐	☐	☒	☐	☐	1
Parks?	☐	☐	☒	☐	☐	1
Other Public Facilities?	☐	☐	☒	☐	☐	1

4.13.2.1 *Fire and Police Services*

Future development resulting from the proposed project would be required by the City to be constructed in conformance with current codes, including features that would reduce potential fire hazards. It is the SJFD's goal not to exceed four minutes travel time for the "first response" and six minutes travel time for the "second response" times.

As mentioned above, Station No. 27 would be the first to respond to emergencies at the project site. It is anticipated that Engine 27 would meet the City's and SJFD's first response travel time goal of four minutes and Engine 35 would meet the SJFD's second engine response goal of six minutes. Engines 27 and 35 would also meet the total reflex time goals for first and second response engines. Station 18 would be the first truck company to respond to the site. It is estimated that Truck 18 would take approximately eight minutes travel time to arrive at the project site. Truck 18 would exceed the SJFD's first truck response travel time goal and reflex time goal by two minutes.[18]

Station 35 is anticipated to open in September 2007. Although Station 35 is being constructed to house a truck company with an engine, the station will only be equipped with an engine when it opens. Given the present budget deficit, it is unknown when a truck would be deployed at this station. When Truck 35 is in service, it would be the first truck to respond to the site and Truck 18 would be the second to respond. It is estimated that Truck 35 would arrive at the site within the SJFD's first truck response travel time goal and reflex time goal.[19]

There are many areas/regions within the City that are not receiving fire service within the response time goals. The installation of signal pre-emption (Opticom) may be an option for reducing travel times for fire services to the site. The SJPD already provides service to adjacent lands east and south of the project site. It is anticipated that the SJPD would be able to adequately serve future residential development on the 3.24 acre project site.

Given the relatively small size of the project, future development is unlikely to substantially increase the demand for fire and police protection. The proposed project would not require the construction or expansion of fire and police facilities, therefore, the proposed project would not result in significant environmental impacts associated with facility construction or expansion. The proposed project, however, may require an earlier deployment of a truck at Station 35. This is not considered an environmental impact. For these reasons, the proposed project would not result in significant impacts to fire or police services.

4.13.2.2 *Schools*

Based on the Oak Grove Elementary School District and East Side Union High School District student generation rates, future development resulting from the proposed GPA would generate between approximately 22 and 45 elementary and middle school students and between approximately 13 to 26 high school students.[20] Due to the small number of children that would be generated from the proposed project, it is not anticipated that local school facilities would be significantly impacted.

[18] Cady, Geoff. "Re: Follow-up Q's - Piercy Road." Email from San José Fire Department. 25 May 2007.
[19] Cady, Geoff. "Re: Follow-up Q's - Piercy Road." Email from San José Fire Department. 25 May 2007.
[20] The estimated number of students is based on the assumption that Areas A and B of the project site are suitable for habitable structures. Sources: 1) Childers, Hardy. Personal Communications with Oak Grove Elementary School District, Deputy Superintendent. 23 October 2003. 2) Garofalo, Alan. Personal Communications with East Side Union High School District. 25 January 2008.

State law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities as the payment of a school impact fee prior to the issuance of a building permit. The affected school district(s) are responsible for implementing the specific methods for mitigating school effects under the Government Code, including setting the school impact fee amount consistent with state law. The school impact fees and the school districts' methods of implementing measures specified by Government Code 65996 would partially offset project-related increases in student enrollment. The proposed project would increase the number of school children attending public schools in the project area, but would mitigate its impact through compliance with state law regarding school mitigation.

4.13.2.4 *Parks*

The City of San José has adopted the *Parkland Dedication Ordinance* (PDO) (Municipal Code Chapter 19.38) and *Park Impact Ordinance* (PIO) (Municipal Code Chapter 14.25) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the PDO.[21] Based upon this formula, a project proposing 64 to 128 residential units would be required to dedicate approximately 0.44 to 0.88 acres of public parkland.[22]

Future development under the proposed land use designation shall comply with applicable General Plan policies and the City's PDO and/or PIO; and therefore, would not result in significant impacts to parks.

4.13.2.5 *Other Public Services*

The proposed project would incrementally increase demand for public services and facilities at the project site. The project, however, would not result in substantial adverse physical impacts associated with a need for new facilities in order to maintain acceptable levels of service or performance objectives for public services. The project, therefore, would not result in significant impacts to public facilities.

4.13.3 Conclusion

Future development under the proposed land use designation, in conformance with applicable General Plan policies, state law, and the City's PIO and/or PDO, would not result in significant impacts to public services. **(Less Than Significant Impact)**

[21] Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household)
[22] This calculation assumes that 2.56 acres of the site (Areas A and B) is suitable for the development of habitable structures.

4.14 RECREATION

4.14.1 Introduction

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating recreation impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the recreation policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Level of Service, Other Services, Policy 16: Utilize the following Citywide level of service measures as benchmarks to be used to evaluate major General Plan land use and policy changes, such as expansions of the Urban Service Area or land use changes from non-residential to residential:
  - For parks and recreation: 3.5 acres of neighborhood and community serving recreational lands per 1,000 population, of which a minimum of 1.5 acres of neighborhood, community, or locally serving regional/City-wide park lands and up to two acres of school playgrounds, and all of which is located within a reasonable walking distance of the project; 7.5 acres of regional/City-wide park lands per 1,000 population; and 500 square feet of community center floor area per 1,000 population.

- Parks and Recreation Policy 1: The City should consider as an objective the provision of neighborhood or community park within reasonable walking distance for each resident. That portion of a Citywide or regional park, which provides recreational accessibility for nearby residents in the same manner as a neighborhood or community park should be considered as meeting this objective.

- Parks and Recreation Policy 2: Public parks, open space lands, and other similar public areas should be located, oriented, and designed in such a way as to facilitate their security and policing.

- Parks and Recreation Policy 3: Through the development review process, private open space and recreation facilities should be encouraged in high density residential projects, mixed use projects and major employment complexes in the vicinity of major transit corridors in order to meet a portion of the open space and recreation needs of residents, employees, and visitors that will be generated by the development.

- Parks and Recreation Policy 4: The City should accept open space land dedications only when public ownership will preserve the natural and scenic beauty, protect natural and man-made landmarks, or provide a land supply to meet future recreational needs.

- Parks and Recreation Policy 5: The development of public and private recreational uses in rural and hillside areas should be low intensity and sensitive to geologic hazards, water resources, natural habitats, and visual impacts, consistent with allowed densities and development standards for residential and other uses.

- Parks and Recreation Policy 6: In the design and maintenance of parks, consideration should be given to impacts on wildlife.

- Parks and Recreation Policy 16: The City should facilitate the creation and improvement of neighborhood and community parks by using the *Parkland Dedication Ordinance*, the *Parallel Impact Fee Ordinance*, and the *Construction and Conveyance Tax*.

- Parks and Recreation Policy 18: In the planning of future park expenditures, the provision of new park and recreation facilities and improvements in park deficient areas should be considered a top priority.

In addition to the City's General Plan policies, Future development resulting from the proposed land use designation shall be required to comply with the following City ordinances:

- PIO and/or PDO requirements.

4.14.2 Setting

As described in the previous section, the City of San José manages approximately 3,500 acres of regional and neighborhood parkland. The City provides developed parklands, open space, and community facilities to serve its residents. Park and recreation facilities vary in size, use, type of service, and provide for neighborhood, citywide, and regional uses. The City's Departments of Parks, Recreation and Neighborhood Services, General Services and Public Works are responsible for the design, construction, operation, and maintenance of all City park and recreational facilities.

The City's General Plan has established level of service benchmarks for parks and community centers. The City has a level of service goal of 3.5 acres of neighborhood and community serving parkland per 1,000 residents, of which a minimum of 1.5 acres is City-owned and up to two acres is school playground/fields. All of this parkland should be located within 0.75 of a mile walking distance of each residence. In addition, the City seeks to provide 7.5 acres of regionally serving parkland and 500 square feet of community center space per 1,000 residents.

The closest park to the site is Basking Ridge Park, located on Chelsea Crossing near Schoolhouse Road, approximately one mile southeast. The park is two acres in size and includes a path, play lot, and picnic tables. In addition to the parks within the project area, the existing school playgrounds and play fields in the vicinity also contribute to public recreation. The closest school to the project site is Rita Ledesma Elementary School which is located at 1001 Schoolhouse Road, approximately one mile south.

The project site is also located in the vicinity of the Coyote Creek Trail. The Coyote Creek Trail is an 18.2-mile long multi-purpose trail running adjacent to Coyote Creek from State Route 237 in northern San José to Anderson County Park near Morgan Hill. A 0.7-mile long segment of the trail begins near the intersection of Basking Ridge Avenue and Tennant Avenue, approximately 0.2 miles south of the project site. A longer segment extending all the way to Anderson County Park crosses Silicon Valley Boulevard near Eden Park Place, approximately 0.3 miles south of the project site.

4.14.3 Environmental Checklist and Discussion of Impacts

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐	☐	1
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐	☐	1

Future residents of the project site would use recreational facilities in the area. Given the small size of the project and the existing recreational facilities in the area, the project would not create significant new demand for recreational services or facilities. In addition, the proposed project would be required to provide both private and common open space in order to conform to the City's adopted *Residential Design Guidelines*.

The City of San José has adopted the PDO and PIO requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the PDO.[23] Based upon this formula, a project proposing 64 to 128 residential units would be required to dedicate approximately 0.44 to 0.88 acres of public parkland.[24]

Future development under the proposed land use designation shall comply with applicable General Plan policies and the City's PDO and/or PIO; and therefore, would not result in significant recreational impacts.

4.14.4 Conclusion

Future development under the proposed land use designation, in conformance with applicable General Plan policies, and PIO and/or PDO, would not result in significant recreation impacts. **(Less Than Significant Impact)**

[23] Minimum Acreage Dedication = (0.003 acres) x (number of dwelling units) x (average persons per household)
[24] This calculation assumes that 2.56 acres of the site (Areas A and B) is suitable for the development of habitable structures.

4.15 TRANSPORTATION

4.15.1 Introduction

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating transportation impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the transportation policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Transportation, Pedestrian Facilities, Policy 19: The City should encourage walking, bicycling, and public transportation as preferred modes of transportation.

- Transportation, Pedestrian Facilities, Policy 21: All non-rural portions of San José should have a continuous sidewalk network.

- Transportation, Pedestrian Facilities, Policy 25: To ensure that there is a continuous pedestrian network, pathways associated with a specific development should connect to the public pedestrian system.

- Transportation, Parking, Policy 33: Adequate off-street parking should be required in conjunction with All future developments.

- Level of Service Policy 2: Capitol and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or lowered service levels to accommodate the needs created by new growth.

- Level of Service Policy 3: The Urban Service Area should not be expanded without taking into consideration the funding necessary to adequately provide for the long term, without degrading services in the existing urban areas, for all City services and facilities including operations and maintenance required by the development anticipated in the area proposed for expansion.

4.15.2 Setting

4.15.2.1 *Existing Roadway Network*

The existing roadway network serving the study area includes regional facilities, such as freeways, as well as local roadways, such as arterials, collectors, and local streets. Regional and local access to the project site is provided via the streets described below and shown on Figure 2.0-2.

Regional Access

Highway 101 (US 101) is an eight-lane freeway [three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction] in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the site is provided via interchanges with Silver Creek Valley Road and Bernal Road/Silicon Valley Boulevard.

State Route 85 (SR 85) is a predominately north-south freeway that is oriented in an east-west direction in the vicinity of the project. It extends from Mountain View to south San José, terminating at US 101. SR 85 is a six-lane freeway with four mixed-flow lanes and two HOV lanes. It connects to Interstate 280 (I-280), SR 17, SR 87, and US 101. SR 85 provides access to the project site via an interchange at Bernal Road/Silicon Valley Boulevard.

Monterey Highway (SR 82) is a six-lane major arterial north of Blossom Hill Road and a four-lane major arterial south of Blossom Hill Road. Monterey Highway extends from Market Street in downtown San José to US 101 south of the city of Gilroy. Monterey Highway provides access to the project site via Silver Creek Valley Road.

Local Access

Silver Creek Valley Road is a four-lane roadway with turn pockets, landscaped medians, and sidewalks. Silver Creek Valley Road includes full interchanges at SR 85, Monterey Road, and US 101. The site is accessible from Silver Creek Valley Road via Piercy Road.

Bernal Road is a six-lane divided major arterial that intersects US 101 and SR 85, and Monterey Highway. Bernal Road has a posted speed limit of 40 miles per hour (mph) and sidewalks on both sides of the street. Bernal Road does not contain bike lanes. East of US 101, Bernal Road changes designation to Silicon Valley Boulevard.

Silicon Valley Boulevard/Tennant Avenue is a two-lane roadway that provides direct access to the project site. This roadway is the main access road for the project site.

Piercy Road is a two-lane roadway that provides direct access to the project site.

Existing Transit Service

The Santa Clara Valley Transportation Authority (VTA) has jurisdiction over public transit in Santa Clara County. No bus routes directly serve the project site. A bus route that serves the project area includes Route 72, which runs from the Santa Teresa Light Rail Station/East Branham to Downtown San José. The nearest Caltran station is the Blossom Hill Station located at located at Monterey Highway and Ford Road, approximately 1.7 miles west of the project site. The nearest Light Rail station is the Santa Teresa Station located south of SR 85 approximately 1.7 miles southwest of the project site.

Existing Bicycle and Pedestrian Facilities

There are no designated bicycle paths in the immediate site area. The nearest designated bikeway is a recreational path located on Coyote Creek Trail, approximately 0.3 miles south of the project site. Pedestrian facilities in the area consists of sidewalks along the above described local roadways. It should be noted, however, that Piercy Road only has a sidewalk on the southwest side.

4.15.3 Environmental Checklist and Discussion of Impacts

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	☐	☐	☒	☐	☐	1
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐	1
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐	1
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐	☐	1
5) Result in inadequate emergency access?	☐	☐	☒	☐	☐	1
6) Result in inadequate parking capacity?	☐	☐	☒	☐	☐	1
7) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐	☐	1

The proposed project includes a GPA to change the land use designation on the site from *Rural Residential* (0.2 du/ac) to *High Density Residential* (25 to 50 du/ac). Based on existing geologic constraints, a maximum of 2.56 acres of the site (Areas A and B) could be suitable for habitable structures. Therefore, the implementation of the proposed GPA would allow for the maximum development of 64 to 128 residential units on the project site.[25]

[25] If subsequent geological investigations of Area B locate a fault trace or other geologic hazard that renders Area B unsuitable for habitable structures, the maximum amount of land suitable for habitable structures (2.56 acres) would decrease. However, to be conservative, this Initial Study evaluates the maximum allowable development of between 64 and 128 residential units on-site.

No specific development is proposed at this time. When a specific development for the project site is proposed, it shall be required to meet the City's level of service and parking requirements.

Based on trip generation rates from the City's *Interim Guidelines for Traffic Impact Analysis of Land Developments*, future development of 64 to 128 new residential units would result in 480 to 960 average daily trips, including approximately 48 to 96 PM peak hour trips.

The City has determined that the estimated number of new PM peak hour trips resulting from the proposed GPA is below the exemption threshold established for the project area. Future development under the proposed project is exempt from a computer model traffic impact analysis. In conformance with applicable General Plan goals and policies, future development under the proposed project would have a less than significant impact on transportation facilities.

4.15.2.1 *Cumulative Transportation Impacts*

Although no applications are on file at the City, it is anticipated that the applicant will submit applications to change the land use designation and zoning on two parcels located to the southwest of the project site, on the south side of Piercy Road, to develop high density residential uses (APN 678-08-045 and 678-08-055) (refer to Figure 4.0-1). The proposed project, in combination with anticipated development on these two parcels southwest of the site and other future development in the project area, may result in cumulative traffic impacts. As discussed above, the proposed project by itself is below the exemption threshold established for the project area and is considered to have a less than significant impact on transportation facilities. For this reason, it is anticipated that the project would not result in a significantly considerable contribution to a cumulative traffic impact.

4.15.3 Conclusion

Future development under the proposed land use designation, in conformance with applicable General Plan policies, would not result in significant transportation impacts or significant cumulative transportation impacts. **(Less Than Significant Impact)**

4.16 UTILITIES AND SERVICE SYSTEMS

4.16.1 Introduction

The City of San José's General Plan contains policies that have been adopted for the purpose of avoiding or mitigating utilities and service system impacts resulting from planned development within the City. All future development resulting from the proposed land use designation shall be subject to the utilities and service systems policies listed in Chapter 4, Goals and Policies, of the City's General Plan, including the following:

- Level of Service Policy 2: Capitol and facility needs generated by new development should be financed by new development. The existing community should not be burdened by increased taxes or by lowered service levels to accommodate the needs created by new growth.

- Level of Service Policy 3: The Urban Service Area should not be expanded without taking into consideration the funding necessary to adequately provide for the long term, without degrading services in the existing urban areas, for all City services and facilities including operations and maintenance required by the development anticipated in the area proposed for expansion.

- Level of Service, Sanitary Sewer System, Policy 6: The minimum performance standard for sanitary sewer lines should be level of service "D," defined as restricted sewage flow during peak flow conditions.

- Level of Service, Sewage Treatment, Policy 7: The City should monitor and regulate growth so that the cumulative sewage treatment demand of all development can be accommodated by San José's share of the treatment capacity of the San José/Santa Clara Water Pollution Control Plant.

- Level of Service, Sewage Treatment, Policy 9: The City should continue to encourage water conservation programs which result in reduced demand for sewage treatment capacity.

- Level of Service, Storm Drainage and Flood Control, Policy 12: New projects should be designed to minimize potential damage due to storm waters and flooding to the site and other properties.

- Infrastructure Management Policy 1: The City's Infrastructure Management System Program should be utilized to identify the most efficient use of available resources to maintain the City's infrastructure and minimize the need to replace this infrastructure.

- Water Resources Policy 10: The City should encourage more efficient use of water by promoting water conservation and the use of water-saving devices.

- Water Resources Policy 11: The City should promote use of reclaimed water when feasible, particularly for industrial users, for irrigation and groundwater recharge.

- Water Resources Policy 12: For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), or major

expansion of a building or use, the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

- Urban Design Policy 7: The City should require the undergrounding of distribution utility lines serving new development sites as well as proposed redevelopment sites.

4.16.2 Setting

Water service to the project area is provided by the Great Oaks Water Company. Currently, there is a 12-inch water line in Piercy Road. Sewer lines in the area are provided and maintained by the City of San José. Currently, there are no sewer lines serving the project site. The nearest sewer line is six-inches in diameter and located in Tennant Avenue, south of Piercy Road. The six-inch sewer line was constructed and sized to accommodate the housing development south of the site, at the northeast corner of Tennant Avenue and Basking Ridge Avenue. This sewer line connects to the main sewer line in Hellyer Avenue, northwest of the site.

Storm drainage lines in the area are provided and maintained by the City of San José. Currently, the existing storm drain system in Piercy Road consists of 18-inch and 30-inch storm drain lines that ultimately discharge into Coyote Creek via an outfall structure located near the intersection of Tennant Avenue and Hellyer Avenue. The storm drain system in the project area is sized to accommodate the stormwater runoff form the roadways, with limited allowance for private development runoff.[26]

Residential solid waste and recycling collection services in the area of the site are provided by the Green Team of San José. San José has a contract with Newby Island Landfill which extends to 2019. The City of San José disposes approximately 250,000 tons of residential garbage per year at Newby Island Landfill.

Electricity and gas service in the project area is provided by Pacific Gas & Electric (PG&E). There are overhead power lines located north of the project site.

4.16.3 Environmental Checklist and Discussion of Impacts

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	☐	1

[26] Edwards, DJ. Project Engineer at JMH Weiss, Inc. Personal communications. 12 February 2008.

UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐	1
3) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐	1
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	☐	1
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	☐	1
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐	1
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐	☐	1

The proposed project includes a GPA to change the existing land use designation from *Rural Residential* (0.2 du/ac) to *High Density Residential* (25 to 50 du/ac). Based on existing geologic constraints, a maximum of 2.56 acres of the site (Areas A and B) could be suitable for habitable structures. Therefore, the implementation of the proposed GPA would allow for the maximum development of between 64 and 125 residential units on the project site.[27]

Future development under the proposed project would require the extension of utilities and service systems to the site. According to Great Oaks Water Company, they have sufficient supply and capacity to provide water service to serve future development resulting from the implementation of the proposed GPA.

[27] If subsequent geological investigations of Area B locate a fault trace or other geologic hazard that renders Area B unsuitable for habitable structures, the maximum amount of land suitable for habitable structures (2.56 acres) would decrease. However, to be conservative, this Initial Study evaluates the maximum allowable development of between 64 and 128 residential units on-site.

As discussed previously, the existing sewer line in Tennant Avenue is sized to accommodate the existing housing development south of the project site. There is not sufficient capacity in the existing sewer line to accommodate future development on the project site resulting from the proposed GPA. Future development on the project site would require an extension of the existing sanitary sewer line in Tennant Avenue. The downstream main sewer line may also need to be upsized to accommodate sewage generated from the project site.

The existing storm drain system in Piercy Road has limited allowance for private development runoff. Future development resulting from the proposed GPA would be required to comply with City Policy 8-14 which requires implementation of hydromodification measures (e.g., retention basins) (refer to **Section 4.8 Hydrology and Water Quality**) and would likely need to replace the existing storm drain line in Tennant Avenue from the existing Coyote Creek outfall structure to the site with a pipeline of greater capacity and make improvements to the existing outfall structure, or construct a parallel pipe system from the site to a new Coyote Creek outfall in Tennant Avenue.

The necessary sewer and storm drain improvements would likely take place in existing roadways and result in short-term construction related impacts such as dust generation, construction truck traffic, possible traffic detours, and noise impacts. Implementation of the City's standard construction mitigation measures including watering active construction areas, street sweeping, and limiting construction hours would reduce the impacts to less than significant levels. If the future development requires improvements to the existing outfall in Coyote Creek or requires the construction of a new outfall to Coyote Creek, special-status species and habitat would be affected. Mitigation measures to reduce impacts to special-status species and riparian habitat to less than significant levels are identified in **Section 4.4 Biological Resources** and shall be conditions of approval for any future development on the project site. In addition, future development shall comply with applicable City General Plan Policies to reduce utilities and service system impacts. For these reasons, it is not anticipated that utility improvements necessary to serve future development resulting from the proposed project would result in significant environmental impacts.

4.16.3 Conclusion

Future development under the proposed land use designation, in conformance with applicable General Plan policies and with the implementation of the mitigation measures identified in **Section 4.4 Biological Resources**, would result in less than significant impacts to utilities and service systems. **(Less Than Significant Impact)**

Project-Level Mitigation Measures
To Be Considered at the Time of Future Development

Sewer System

- At the planned development stage, a sanitary sewer flow capacity study should be completed to evaluate the possible sewer system improvements necessary (e.g., extension of the existing sanitary sewer line in Tennant Avenue and the upsizing of the downstream main sewer line). The flow monitoring locations should be determined by the City at the planned development stage and the results should be used to determine the exact extent of any necessary off-site sanitary sewer improvements.

Storm Drainage System

- Future development should minimize damage (caused by increasing erosion) to Coyote Creek by implementing hydromodification measures to retain all stormwater on the site, which would allow sediment to percolate down and be discharged to Coyote Creek.

- In order to provide adequate storm drain services to future development on the site, future development could be required to upsize the existing storm drain line in Tennant Avenue from the existing Coyote Creek outfall structure to the site or construct a parallel storm drain pipe from the site to a new Coyote Creek outfall in Tennant Avenue.

4.17 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
1) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐	☐	1, p. 10-93
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐	☐	1, p. 10-93
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	☐	1, p. 10-93

Conclusion: The proposed project would not result in significant environmental impacts with the conformance with applicable General Plan policies, other City policies and guidelines, and state law described in **Section 4.0 Environmental Checklist and Discussion of Impacts** on pages 10 – 93 of this Initial Study.

In addition, the implementation of the proposed project would not result in significant cumulative impacts or significantly contribute to cumulative impacts to biological resources (including special-status animal species), land use, noise, or population and housing (refer to **Sections 4.4 Biological Resources**, **4.9 Land Use**, **4.11 Noise**, **4.12 Population and Housing**).

Checklist Sources

1. Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

2. City of San José. San José 2020 General Plan.

3. California Department of Conservation. Santa Clara County Important Farmland 2004. Map.

4. City of San José. Zoning Ordinance. 28 July 2006.

5. Bay Area Air Quality Management District. CEQA Guidelines. December 1999.

6. Live Oak Associates, Inc. Biotic Evaluation for Piercy Road Residential Project. 19 December 2006.

7. Holman & Associates. Cultural Resources Study of the Piercy Road Property. 21 October 2006.

8. Terrasearch, Inc. Geologic Evaluation on Proposed New Development APN 678-13-012 Piercy Road. 24 January 2000.

9. Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel Number 060337 0270 D. 2 August 1982.

10. Association of Bay Area Governments. Dam Failure Inundation Hazard Map for SE San José. 1995. Available at: http://www.abag.ca.gov/cgi-bin/pickdamx.pl. Accessed June 11, 2007.

11. Terrasearch, Inc. Phase I Environmental Site Assessment. 31 May 2007.

12. Terrasearch, Inc. Phase II Environmental Site Assessment. 27 June 2007.

13. Association of Bay Area Governments. Hazard Map, Fire Threat. California Department of Forestry and Fire Protection. 2003. Available at: http://gis.abag.ca.gov. Accessed: 6 August 2007.

14. Terrasearch, Inc. Preliminary Fault Investigation. 22 February 2008.

SECTION 5.0 REFERENCES

Association of Bay Area Governments. Hazard Map, Fire Threat. California Department of Forestry and Fire Protection. 2003. Available at: http://gis.abag.ca.gov. Accessed: 6 August 2007.

Association of Bay Area Governments. Projections 2005: Forecasts for the San Francisco Bay Area to the year 2020. 2004.

Bay Area Air Quality Management District. Bay Area Air Quality Management District CEQA Guidelines. 2001.

California Department of Conservation. Santa Clara County Important Farmland 2004. Map.

California Environmental Protection Agency. California Clean Air Act. 1988.

City of San José. 2020 General Plan. As amended through June 27 2006.

City of San José. *Evergreen East Hills Vision Strategy Draft EIR*. February 2006.

Federal Emergency Management Agency. Flood Insurance Rate Map. Community Panel Number 060337 0270 D. 2 August 1982.

Garofalo, Alan. Personal Communications with East Side Union High School District. 25 January 2008.

Holman & Associates. Cultural Resources Study of the Piercy Road Property. 21 October 2006.

Live Oak Associates, Inc. Biotic Evaluation for Piercy Road Residential Project. 19 December 2006.

Live Oak Associates, Inc. Constraints to Potential Build-Out on Two Parcels (APN: 678-08-45 and 678-08-55) Located on Piercy Road in San José, Santa Clara County, California (PN: 971-01.1). 27 November 2006.

Phillips, Gene. San José Police Department. Personal communication. May 6, 2004.

Terrasearch, Inc. Additional Laboratory Analysis, Phase II Environmental Site Assessment. 30 July 2007.

Terrasearch, Inc. Geologic Evaluation on Proposed New Development APN 678-13-012 Piercy Road. 24 January 2000.

Terrasearch, Inc. Geologic Update. 4 August 2006.

Terrasearch, Inc. Phase I, Environmental Site Assessment. 31 May 2007.

Terrasearch, Inc. Phase II Environmental Site Assessment. 27 June 2007.

Terrasearch, Inc. Preliminary Fault Investigation. 22 February 2008.

SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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